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ADS Chapter 309

Personal Services Contracts with Individuals

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ADS Chapter 309 – Personal Services Contracts with Individuals
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ADS 309 – Personal Services Contracts with Individuals

309.1 OVERVIEW

Effective Date: 07/17/2018

This chapter describes the legal authorities, and provides the policy directives, required procedures, and internal guidance, for the award and administration of personal services contracts with individuals (PSCs).

This chapter applies to PSCs with U.S. Nationals (USNs), Cooperating Country Nationals (CCNs), and Third Country Nationals (TCNs). This chapter does not apply to Foreign Service Nationals (FSNs). The terms CCNs and FSNs are not synonymous. CCNs are personal services contractors whose contracts are awarded under the authority of the [Foreign Assistance Act of 1961, as amended \(FAA\)](#), and FSNs are direct-hire appointments made under the authority of the [Foreign Service Act of 1980](#). USAID’s policies on FSNs are found in [ADS 495, Foreign Service National Personnel Administration](#).

Throughout the chapter, the term “PSC” is used to refer to the personal services contract award (see [FAR 37.104](#)). The terms “USPSC”, “CCNPSC” or “TCNPSC”, or “contractor” refer to the individual engaged to provide services under a PSC.

PSCs for performance abroad are executed under the authority of Section 636(a)(3) of the [Foreign Assistance Act of 1961, as amended \(FAA\)](#). PSCs for performance within the United States are awarded based on specific appropriations and other specific authorities provided by Congress.

309.2 PRIMARY RESPONSIBILITIES

Effective Date: 06/11/2020

a. The **Bureau for Management, Assistant Administrator (AA/M)** is responsible for:

- 1) Approving exceptions to the limitations on authorities that may be delegated to a contractor pursuant to [AIDAR Appendices D and J](#); and
- 2) Performing the functions of the Suspending and Debaring Official (SDO), as described in [FAR 9.4](#) and [AIDAR 709.4](#), or designating the function as described in [ADS 103, Delegations of Authority](#).

b. The **Bureau for Management, Office of Acquisition & Assistance (M/OAA)** is responsible for:

- 1) Developing, issuing, and maintaining the Agency’s acquisition regulations, policies, procedures, and standards, which govern PSCs, in accordance with established Agency delegations and requirements; and

- 2) Evaluating the Agency's procurement system; providing recommendations to the Chief Acquisition Officer regarding the appointment and termination of Contracting Officer (CO) authorities stated in [FAR 1.3](#) and [1.6](#) and [AIDAR 701.3 and 701.6](#); and providing technical support to COs (including warranted Executive Officers (EXOs)).

c. The **Director, Bureau for Management, Office of Acquisition & Assistance (M/OAA)**, who also serves as the Chief Acquisition Officer, Senior Procurement Executive (SPE), and Head of the Agency for authorities contained in the FAR, is responsible for:

- 1) Approving and issuing Procurement Executive Bulletins (PEBs) that provide general guidance, best practices, reminders, and responses to frequently asked questions (FAQs);
- 2) Approving and issuing [Acquisition & Assistance Policy Directives \(AAPDs\)](#), which provide interim implementation or advance notification of acquisition and assistance (A&A) regulations, policies, procedures and related information;
- 3) Providing approval for the CO to negotiate above the USAID Contractor Salary Threshold (CST);
- 4) Exercising, in person or by delegation, authorities stated in [FAR 1.3](#) and [1.6](#) and [AIDAR 701.3 and 701.6](#), including selecting and appointing COs and terminating their appointments; and
- 5) Providing advance clearance on requests for approval of all deviations from Appendices D or J, whether for one contract or on a class basis, in accordance with [Appendices D and J, section 4.\(b\)](#), and [AIDAR 701.4](#).

d. The **Head of the Contracting Activity (HCA)** as defined in [AIDAR 702.170-1](#) and [701.601\(b\)](#) is responsible for:

- 1) Approving deviations from the FAR or AIDAR in accordance with [AIDAR 701.4](#), and
- 2) Resolving appeals of USPSC Position Level approvals made by the CO (see [309.3.2.1](#)).

e. **Bureau Assistant Administrators, Assistants to the Administrator (AAs), or Heads of Independent Offices (IO)**, who report directly to the Administrator, are responsible:

- 1) For contracts with USPSCs executed at USAID/Washington (USAID/W):

- Providing approval for the CO to negotiate above the GS-15 level and below the CST (see **309.3.1.12**); and
- Providing clearance of the CO's request to the M/OAA Director for approval to negotiate above the CST (see **309.3.1.12**).

2) For contracts with CCNPSCs and TCNPSCs executed in a Mission where there is no Mission Director: approving an exception to compensation rate and benefits in accordance with [AIDAR Appendix J, sec. 4\(c\)\(2\)\(i\)](#) (see **309.3.1.5**).

f. The **Mission Director (MD)**, who also serves as the overseas HCA for the Mission is responsible:

1) For contracts with USPSCs awarded at the Mission:

- Authorizing a CO to substitute payment of specific overseas allowances with per diem (see **309.3.2.2**);
- Providing approval for the CO to negotiate above the GS-15 level and below the CST (see **309.3.1.12**); and
- Providing clearance of the CO's request to the M/OAA Director for approval to negotiate above the CST (see **309.3.1.12**).

2) For contracts with CCNPSCs and TCNPSCs: approving an exception to the compensation rate and benefits in accordance with [AIDAR Appendix J, sec. 4\(c\)\(2\)\(i\)](#) (see **309.3.1.5**).

g. The **Office of Human Capital and Talent Management (HCTM)** is responsible for:

- 1) Approving new requests or extensions of USPSC and TCNPSC positions that meet specific criteria;
- 2) Managing the classification system for CCN and TCNPSCs under the Local Compensation Plan; and
- 3) Approving the classification of CCNPSC progressive level positions (see **309.3.1.4**);
- 4) Providing assistance to COs, as necessary, to understand the GS-scale for Position Level determination purposes (see **309.3.1.5**).

h. The **Contracting Officer (CO)**, including a warranted EXO, is responsible for:

- 1) Negotiating, awarding, administering, and terminating PSCs within their warrant appointment authority, and in accordance with regulations, policy directives and required procedures;
- 2) Monitoring the contract for compliance with policy and regulatory requirements;
- 3) Executing contract modifications as necessary; and
- 4) Providing relevant advice and guidance to the contractor's Supervisor.

The term "CO" in this ADS chapter includes all individuals who are warranted or otherwise delegated authority to execute PSCs.

i. The **Requesting Office** is responsible for:

- 1) Preparing the PSC requisition, including the Position Description and proposed position level, position budget, and other related supporting documents; and
- 2) Obtaining all required Bureau for Management, HCTM, Chief Information Officer, and other approvals, as required for certain positions.

j. The **Supervisor** (also known as "Technical Officer" in [AIDAR Appendices D and J](#)), designated by the Requesting Office, is responsible for managerial oversight, monitoring compliance with the PSC limitations in [AIDAR Appendices D and J](#), and administering, evaluating, and documenting the contractor's performance. Contracting Officer's Representatives (CORs) are not applicable to USAID PSCs with individuals.

309.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

309.3.1 Personal Services Contracts in General

309.3.1.1 Governing Rules and Applicability of Other Regulations

Effective Date: 07/17/2018

- a. Regulations, policies, and procedures governing the solicitation, award, and administration of all types of PSCs are found in the [FAR](#) and [AIDAR](#), including [AIDAR Appendix D](#) and [Appendix J](#). Additional Agency policies applicable to all personal services contractors are contained in [AAPDs](#) and in this and other ADS chapters.
- b. Policies in the [U.S. Department of State, Foreign Affairs Manual \(FAM\)](#), the [Department of State Standardized Regulation \(DSSR\)](#), and other similar external regulations and policies are applicable only to the extent that they are specifically incorporated into USAID regulations and policies at USAID's

discretion (see [ADS 309mah, Applicability of Other Regulations and Policies to USAID PSCs](#)).

- c. Several contractor benefits and privileges are not controlled or administered by USAID. The applicability of such benefits and privileges depends on the type of PSC, the conditions at the relevant overseas Mission, and the agency responsible for administering such benefits and privileges. Personal services contractors may not be entitled to all benefits and privileges afforded to USAID Direct-Hire (USDH) employees (see [ADS 309mah, Applicability of Other Regulations and Policies to USAID PSCs](#)).
- d. According to a ruling by the Department of Labor in its directive entitled, “Unemployment Insurance Program Letter No. 41-99” dated August 3, 1999, personal services contractors are ineligible for the Unemployment Compensation for Federal Employees (UCFE) Program.
- e. Five-Year Maximum Period of Performance: Personal services contracts are subject to the five-year limitation in accordance with [FAR Part 17](#). At the end of a five-year cumulative contract period, inclusive of any options or extensions, the CO must close out the contract. If USAID requires continuity of the same services at the same position level and market value for an additional period not to exceed the five-year limitation in the FAR, the CO must execute a new award following the appropriate competitive procedures in the [FAR](#) and [AIDAR](#). Also in accordance with [AIDAR Appendix J](#), CCNPSCs are of a continuing nature and expected to be part of a series of sequential contracts, each not to exceed the five-year limitation in the FAR.

309.3.1.2 Deviations

Effective Date: 06/11/2020

The CO must follow the applicable procedures in [AIDAR 701.4](#), and [AIDAR Appendices D and J, section 4.\(b\)](#), when requesting a deviation from the FAR, AIDAR or the policy directives and required procedures in this ADS chapter. The CO must submit the request for a deviation, including any additional supporting documents, to the M/OAA Policy Division PSC mailbox at policymailbox@usaid.gov.

309.3.1.3 Funding

Effective Date: 07/17/2018

USAID may finance PSCs with either program or operating expense (OE) funds as part of the Agency's programming of foreign assistance (see [ADS 601, Funding Source Policy](#)). The CO must ensure that contract funds are properly obligated in accordance with [ADS 621, Obligations](#).

- 1) Program funds may be obligated in accordance with USAID's specific funding policies in [ADS 602, Forward Funding, Program Funds](#).

- 2) OE funds may be obligated in accordance with USAID's specific funding policies in [ADS 603, Forward Funding, Non-Program Funds](#).

309.3.1.4 Acquisition Planning

Effective Date: 06/11/2020

- a. Advanced planning is required for Agency A&A awards - see [FAR 7.1](#), [ADS 201, Program Cycle Operational Policy](#), and [ADS 300, Agency Acquisition and Assistance \(A&A\) Planning](#) for regulations and policies regarding acquisition planning.
- b. The Mission, Bureau or IO must determine its anticipated staffing requirements over the life of programs based on the Country Development Cooperation Strategy (CDCS) or other Mission, Bureau or IO strategy to establish a bona fide need. The level of the position must be based on this identified bona fide need. For a CCNPSC position, when necessary to meet Agency mission critical needs, the Requesting Office and CO may classify the position at progressive levels, also known as a "ladder" position, subject to the approval of HCTM's Overseas Human Capital Initiatives (HCTM/OHCI) in accordance with policies of this section **309.3.1.4** and section **309.3.3**.
- c. Operating Units (OUs) must develop an A&A Plan in consultation with the CO (see [ADS 300.3](#)).
- d. Order of Preference for Types of PSCs:

USAID policy is that a CCNPSC is preferred over a TCNPSC in order to integrate the foreign assistance effort into the community, enhance the skills of the cooperating country's population, and contribute to the local economy. If the Agency needs to fill a gap in U.S. direct-hire staffing, a USPSC is preferred over a TCNPSC. In all cases, the establishment of a TCNPSC position must be temporary, and must only be used when:

- Qualified CCNs are not available;
 - Limitations on Agency and Mission operations do not allow sufficient time to train CCNs; and
 - Program efficiencies and policy objectives can only be achieved using TCNPSCs as a substitute for available, eligible, and qualified USNs or CCNs.
- e. In exceptional circumstances, if the Requesting Office and CO determine through issuance of a prior solicitation or market research that there may not be qualified offerors of the preferred type as prescribed in paragraph d. above, the CO may decide to issue a single combined solicitation with eligibility open to CCNs and TCNs, or USNs and TCNs. In such cases, the CO must prepare the solicitation

following the applicable requirements for each type of PSC in the AIDAR Appendices and this chapter.

- f. The Requesting Office and CO must establish the market value for PSCs using the Position Level and market value determination processes described in this ADS chapter based on the type of PSC and the place of performance.
- g. Bureau for Management (M Bureau) and HCTM Approvals and Notices.

The Requesting Office must comply with the following requirements:

1. For USPSCs in the U.S., prior approval from the M Bureau, Management Services, Headquarters Management Division (M/MS/HMD) is required to provide workspace in accordance with the procedures in [ADS 517](#). For all PSCs abroad, follow Mission policies for workspace management as applicable.
 2. For certain full-time USPSC positions abroad, and TCNPSC positions not subject to the local compensation plan (LCP), prior approval from HCTM's Foreign Service Center (HCTM/FSC) is required. The Requesting Office must also provide notice to HCTM for certain other USPSC and TCNPSC positions (see this [Agency Notice](#) for detailed policies and procedures). These HCTM requirements do not apply to CCN or TCNPSC positions subject to a local compensation plan.
 3. CCNPSCs. Prior approval from HCTM's Office for Overseas Human Capital Initiatives (HCTM/OHCI) is required for all CCNPSC progressive level positions (aka ladders) via email request to hr-helpdesk@usaid.gov. See also section **309.3.3.1**, paragraph d.
- h. The Requesting Office must obtain Chief Information Officer (CIO) approval of the services to be performed before soliciting for, or extending, any PSC position that includes information technology duties or responsibilities by submitting the Position Description to itauthorization@usaid.gov. The Requesting Office must submit the CIO approval to the CO with the requisition for a PSC, and the CO must include a copy of the CIO approval in the contract file. Pursuant to the Clinger Cohen Act, the Federal Information Technology Acquisition Reform Act (FITARA), and OMB-M-15-14, the CIO is responsible for assessing the requirements established for Agency personnel regarding information resources management.
 - i. For all PSC positions where the CO is within the Requesting Office, there must be a separation of duties between the pre-solicitation functions, such as defining the requirement, preparing the Position Description and classification, and the contracting functions such as the solicitation, negotiation and award. For example, if the position is for a PSC within the Executive Office, the contracting functions must be handled by a CO outside the Executive Office or vice versa if

the position is for a PSC within the Office of Acquisition and Assistance. This separation of duties also applies to modifications that revise the scope/Position Description, period of performance, or total estimated cost of the contract. This separation of duties does not apply to administrative modifications as defined in [FAR 43.101](#). When these situations arise, the CO must document this separation of duties in the negotiation memorandum.

309.3.1.5 Position Description, Level and Market Value

Effective Date: 07/17/2018

a. Position Description

- 1) The Position Description consists of the Statement of Duties, minimum qualifications, skills and experience required for the position, and the evaluation criteria.
- 2) Statutes and regulations regarding PSCs do not allow for undefined tasks, such as “accretion of duties”, “other duties as assigned” or other similar statements of undefined duties. The CO must ensure that the Statement of Duties specifies the work to be performed by the individual and corresponds to the level and market value for the position.
- 3) The CO must ensure that the Statement of Duties does not contain any of the functions subject to the limitations on contractors found in [AIDAR Appendices D or J, sec. 4](#), unless an exception has been approved by the AA/M.
- 4) Prohibition on USAID-Specific Experience in Evaluation Criteria and Solicitations. The Requesting Office and CO must not use “prior USAID experience” or similar language as a qualification or evaluation criteria, and the CO must not include such factors in PSC solicitations. The evaluation criteria or solicitation may require relevant work experience in the desired sector, type of program, development activity, or specific area of professional expertise.
- 5) The Requesting Office and CO must follow the additional policies in [ADS 309mae, Position Description Instructions for PSCs](#). For CCN and TCN PSCs, see [309.3.3.1](#) for additional requirements.

b. Position Level and Market Value

- 1) For specific policies on determining the position level and market value for USPSCs, the Requesting Office and CO must follow [AIDAR Appendix D](#) and [309.3.2.1](#).
- 2) For specific policies on determining the position level and market value for CCN and TCNPSCs, the Requesting Office and CO must follow [AIDAR](#)

[Appendix J](#) and **309.3.3.1**. A TCNPSC must be compensated on the local compensation plan unless an exception has been approved by the Mission Director in accordance with [AIDAR Appendix J](#) and [ADS 309maa, Requesting Approval to Use Alternate Classification Procedures \(ACP\)](#).

309.3.1.6 Withholdings, Benefits and Other Facets of Compensation

Effective Date: 07/17/2018

For policies on benefits and other facets of compensation for USPSCs see **309.3.2.2**, and for CCN and TCNPSCs see **309.3.3.2**.

309.3.1.7 Estimating the Position Budget

Effective Date: 07/17/2018

In consultation with the CO, the Requesting Office must prepare a comprehensive budget of all associated PSC costs based on the CO-approved market value range and appropriate benefits in accordance with the requirements of this chapter for each type of personal services contractor. Within the comprehensive budget, the Requesting Office must include the subset of costs that will become the contract budget as described below.

- a. **Comprehensive Budget:** The comprehensive budget is the Requesting Office's estimate of all costs associated with the individual PSC action. This budget must include amounts paid directly to the PSC, such as the compensation rate and benefits. It must also include other costs not paid directly to the contractor (e.g. for USPSCs, USAID-paid FICA; for all PSCs, travel, transportation, and administrative support costs, such as housing/lease agreements, and International Cooperative Administrative Support Services (ICASS)).
- b. **Contract Budget:** The Requesting Office must prepare a proposed contract budget, which is a subset of the comprehensive budget. In the contract budget, the Requesting Office must list only those costs paid directly to the contractor, and for USPSCs, USAID payments made directly to the IRS. The Requesting Office's proposed contract budget may include the following illustrative subset of costs. Expended Objects Class Codes (EOCC) for budget categories are available in [ADS 621, Obligations](#):

| Basic Category | Illustrative Costs |
|--------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Compensation, Allowances and Differentials: | |
| | GS or FSN pay rate equivalent amount |
| | Premium Compensation, if applicable |
| | Allowances and Differentials, as applicable per AIDAR Appendices and type of PSC |
| Other Reimbursable Costs | |
| Include as applicable per AIDAR Appendices and type of PSC, for example: | |
| | Health Insurance |

| Basic Category | Illustrative Costs |
|------------------------------------------------------------------|---------------------------------------------|
| | Life Insurance |
| Reimbursement of Pre-contract Costs, if applicable, for example: | |
| | Medical Examination Fees |
| Employer Contributions, as applicable, for example: | |
| | FICA (Social Security; Medicare) for USPSCs |
| Total Estimated Cost | |

- c. Compensation Rate: This cost must reflect the estimated rate based on the approved market value and the GS or FSN-equivalent grade established in accordance with section **309.3.1.5**.
- d. Incentive Awards (Monetary): The Requesting Office and CO must not include monetary awards in a PSC budget because such awards cannot, and must not, be pre-determined or expected under a PSC.
- e. Prohibited Costs
 - 1) Subcontracts - Personal services contractors are prohibited from subcontracting or procuring any portion of their work. As such, funds for subcontracts are prohibited in PSC budgets and resulting contracts. USAID will provide support services, equipment, and supplies (e.g. computers, furniture, paper, pens) to personal service contractors on the same basis afforded to USDH employees.
 - 2) "Miscellaneous" or "Contingencies" - Undefined costs including miscellaneous or contingency costs are prohibited in PSC budgets in accordance with [FAR 31.205-7](#).

309.3.1.8 Position Requisition

Effective Date: 12/04/2019

- a. The Requesting Office must submit a complete requisition package to the CO to initiate the solicitation process.
 - 1) Actions in the Global Acquisition and Assistance System (GLAAS) - For USPSC actions and TCNPSC positions not subject to the LCP, the CO and Requesting Office must process the requisition, solicitation, award and all modifications in GLAAS. See GLAAS business processes on the [M/OAA Web site](#).
 - 2) Actions outside GLAAS - CCN and TCNPSC positions on the LCP are not processed in GLAAS.
- b. Funding: When creating the requisition, the Requesting Office must ensure the total estimated cost specified in the requisition corresponds to the amount in the contract

budget. The Requesting Office must use a “Commitment Amount” within the total estimated cost based on available funding at the time the requisition is created, and comply with forward funding requirements in [ADS 602, Forward Funding, Program Funds](#), [ADS 603, Forward Funding, Non-Program Funds](#) and [ADS 621, Obligations](#).

- c. Requisition Supporting Documents: The Requesting Office must submit the following supporting documents with the requisition:

| SUPPORTING DOCUMENTS | ADS § or Chapter | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| | USPSCs | CCN/TCN PSCs |
| <ul style="list-style-type: none"> ● Position Description | 309.3.1.5 | |
| | 309.3.2.1 | 309.3.3.1 |
| <ul style="list-style-type: none"> ○ Statement of Duties ○ Minimum Qualifications ○ Evaluation Factors | 309mae | |
| | | 495 |
| | | |
| <ul style="list-style-type: none"> ● Position Level and Market Value Grade | 309.3.1.5 | |
| | 309.3.2.2 | 309.3.3.2 309maa |
| <ul style="list-style-type: none"> ● Comprehensive Budget for the Position | 309.3.1.7 | |
| <ul style="list-style-type: none"> ● J&A Memo for any exception to competition | 309.3.1.9 309mad | |
| <ul style="list-style-type: none"> ● Pre-requisition approvals as applicable (e.g. HCTM; CIO) or other special requirements of the position | 309.3.1.4 | |

- 1) For actions in GLAAS, the Requesting Office must include the comprehensive budget under the “Supporting Document” option with the GLAAS REQ.
- 2) For actions outside GLAAS, the Requesting Office must submit the comprehensive budget with the requisition supporting documents to the Mission Controller to approve and process the commitment.

- d. Procurement Action Lead Time (PALT): After the CO receives and accepts a complete and approved requisition appropriate for the specific PSC action, the CO must indicate a start date to initiate the PALT as required in [ADS 300, Agency Acquisition and Assistance \(A&A\) Planning](#). For actions in GLAAS, the CO must enter the start date in the GLAAS milestone plan to initiate the PALT.

- e. Procurement Instrument Identifiers (PIIDs): In accordance with [FAR subpart 4.16](#) and the Digital Accountability and Transparency Act (DATA), all solicitations, amendments, awards, and modifications, must be identified using PIIDs.

- 1) For those actions processed in GLAAS, the system will automatically generate PIIDs.
 - 2) For actions processed outside GLAAS, the CO must follow the numbering protocol described in [ADS 309maj, PIIDs for CCN and TCNPSCs Processed Outside GLAAS](#).
- f. Uniform Use of Line items: In accordance with [FAR subpart 4.10](#), the CO must follow the line item policies and procedures in [ADS 309mak](#) for all PSC actions.

309.3.1.9 Publicizing and Competition Requirements

Effective Date: 05/18/2020

- a. Publicizing: The CO must comply with [FAR Part 5](#), [AIDAR 705](#), and [AIDAR Appendices D and J](#). The Requesting Office may place paid advertisements in other media such as newspapers and periodicals, and use other publication methods in consultation with the CO, only after the CO has publicized the solicitation in accordance with [FAR Part 5](#) and [AIDAR 705](#).
- b. Competition: The CO must comply with [FAR Part 6](#), [AIDAR 706](#), [Appendices D and J](#), and other FAR, AIDAR and related Federal or Agency policies to promote and provide for full and open competition. If considering other than full and open competition under [FAR Part 6.3](#), [AIDAR 706.3](#), and [Appendices D and J](#), the CO must first address the feasibility of using full and open competitive procedures, and solicit offers from as many potential sources as is practicable under the circumstances (see [FAR 6.301](#)).
- c. Expedited Procedures Packages (EPPs). The Assistant Administrator's or the Administrator of USAID's formal written Determination and Findings (D&Fs) are contained in EPPs to meet the requirements of [AIDAR 706.302-70\(b\)\(3\)\(i\) or \(ii\)](#), respectively, for other than full and open competition. For each contract action relying on this authority, the CO must document the contract file with a justification and approval (J&A) under the requirements and limitations in [AIDAR 706.302-70\(c\)](#), and attach the D&F. Also [FAR 6.305](#) requires the CO to publicize the J&A, with D&F, on the Governmentwide Point of Entry (GPE, beta.SAM.gov) for each contract action. The CO must not post an EPP Memo in its entirety. Additional policy and procedures are provided in [ADS 302mbo, Guidance for Use of the Authorities under Expedited Procedures Packages \(EPPs\)](#).
- d. Class J&A. The M/OAA Director, as the HCA and SPE, has approved a class deviation to the AIDAR and Appendices D and J, and approved a class J&A to address the publicizing and competition requirements in paragraphs a. and b. above. For guidance on using the applicable regulations, see [ADS 309mad, Competition and Publicizing, and Class Justification and Approval \(J&A\) for Limited Competition for PSCs](#).

309.3.1.10 Preparing the Solicitation

Effective Date: 07/17/2018

- a. The CO must use the mandatory [PSC Solicitation Templates](#) as the only valid formats to announce contracting opportunities for each type of PSC as indicated below. The CO must not use any other vacancy announcement templates or forms to solicit for PSCs, and may only use such announcements as a cover sheet to the mandatory [PSC Solicitation Templates](#).
 - 1) Actions in GLAAS: For USPSCs, the CO must prepare the solicitation in GLAAS using the [Mandatory USPSC Solicitation Template](#). If a USPSC solicitation includes eligibility for a TCNPSC not subject to the LCP, the CO must follow the specific instructions in the template to identify the compensation and benefits specifically approved by the Mission Director for the TCNPSC position.
 - 2) Actions outside GLAAS: For CCN and TCNPSC positions on the LCP, the CO must prepare the solicitation using the [Mandatory CCN or TCN PSC Solicitation Templates](#) available on the M/OAA Professional Development and Training Web site.
- b. When amending a PSC solicitation, the CO must comply with [FAR 43.301](#) regarding the use of [Standard Form 30, Amendment of Solicitation/Modification of Contract \(SF-30\)](#) for all actions.
- c. For solicitation response time requirements, the CO must follow the [FAR 5.203](#).
- d. The CO must indicate the total period of performance that will be required under the contract, including any option periods. If options are included in the period of performance, the solicitation must indicate the base period and the specific option periods. See the mandatory [PSC Solicitation Templates](#) for specific language.
- e. Required Offeror Information Form: The CO must require that all individuals responding to a solicitation use the applicable offeror form as follows:
 - 1) For USPSCs, and TCNPSC positions not subject to the LCP, the solicitation must require offerors to submit the form "[Offeror Information for Personal Services Contracts with Individuals](#)," which includes the offeror's certification that the information contained in the form is not intentionally misrepresented.
 - 2) For CCN and TCNPSC positions on the LCP, the solicitation must require offerors to use the form or format prescribed in the solicitation in accordance with Mission policy.

- 3) In addition to the applicable required offeror form, the CO may require offerors to submit additional relevant documentation, such as cover letters, resumes or curricula vitae (CVs), as stated in the solicitation.
- f. **Competitive Range:** If the CO decides to establish a competitive range of offerors as part of the selection process, the CO must state so in the solicitation, describing how the competitive range will be established and how negotiations will be conducted with qualified offerors.
- g. **Combined Solicitations:** In accordance with **309.3.1.4**, if the CO decides to issue a combined solicitation open to multiple eligible PSC types, the CO must state the order of preference in the solicitation. The evaluation criteria section of the solicitation must also state that offers received from the preferred PSC type will be evaluated first and other PSC types will only be considered if there are no qualified offerors from the preferred type. This approach may be taken to minimize potential delays in issuing a solicitation only for the preferred type and then having to issue another solicitation if qualified offerors of the preferred type are not available.

309.3.1.11 Technical Evaluation

Effective Date: 07/17/2018

a. Technical Evaluation Process

1) Composition of the Technical Evaluation Committee (TEC)

- The CO, in consultation with the Requesting Office, must establish the TEC, including a TEC Chair. To the extent practicable, the CO must include members from outside the Requesting Office to ensure the fair and unbiased evaluation of offers.
- In addition to the requirements of [AIDAR 715.303-70\(a\)](#), USAID Direct-Hires, personal services contractors, and Participating Agency Services Agreement (PASA) Direct-Hire employees must constitute a majority of the members on all TECs. Evaluators from other federal agencies and non-governmental evaluators, including fellows, may participate in a TEC, provided that they comply with any applicable requirements for, or limitations on, their participation in [FAR Parts 3.1, 3.4, 15.303 and 15.305](#), and [AIDAR Parts 715.303 and 715.305](#).
- In accordance with [FAR 3.1](#), the CO must take reasonable precautions to avoid conflicts of interest arising on the part of a TEC member that could compromise the member's ability to provide an impartial evaluation. For example, prior to commencing evaluations, the CO must verify with TEC members that they, their spouse, or their dependents, do not have relationships or financial interests with any of the offerors that could impair that member's objectivity. COs must refer any potential problems to the cognizant Resident Legal Officer (RLO) for actions overseas, and to the

Assistant General Counsel for Ethics and Administration for actions at USAID/W.

- Prior to initiating the technical evaluation process, the CO or CO's designee must obtain signed non-disclosure and conflict of interest certifications from all TEC members. If the TEC includes non-governmental evaluators, see [AIDAR 715.305](#) for additional requirements.
- 2) **Rating and Ranking.** The TEC must rate each offeror based solely on the evaluation criteria in the solicitation in accordance with [FAR 15.303](#) and [AIDAR 715.303-70\(a\)](#). If the CO determined not to establish a competitive range, and the TEC elects to conduct interviews, such interviews must be held with all offerors who meet the minimum requirements. The TEC must provide a written explanation for the rating against each evaluation criterion. The TEC must then rank all the offerors based on the final consensus rating of each offeror.
 - 3) **Competitive Range.** If the solicitation stated that the CO may establish a competitive range, then the TEC must identify the most highly ranked offerors in the Technical Evaluation Memo. The CO, as the Source Selection Authority (SSA), must make an independent determination in selecting the offerors who will be in the competitive range. The TEC may conduct interviews with all offerors in the competitive range and provide the final rating and ranking of the offerors based on the interviews.
 - 4) **Reference Checks.** Reference checks on the individual's professional expertise must be conducted as described in the solicitation. If reference checks are part of the technical evaluation criteria, the TEC must conduct such checks on all offerors who meet the minimum requirements, and must factor the findings into each offeror's final rating. If the solicitation stated that reference checks will only be conducted for offerors in the competitive range, the TEC must factor the findings into the final rating for each offeror in the competitive range. If the reference checks are not part of the technical evaluation criteria, then the CO must consider findings from the reference checks as part of the responsibility determination. If the offeror had a previous position with USAID, the TEC and/or CO are encouraged to obtain reference checks from the previous supervisor(s) or CO(s).

b. Technical Evaluation Memorandum

- 1) At the end of the evaluation process, the TEC Chair must submit the Technical Evaluation Memorandum, including all supporting documentation (e.g. notes, offers, score sheets), to the CO. The CO will consider the TEC's evaluation rating and ranking of the offerors, however, as the SSA, in accordance with [FAR 15.308](#), the source selection decision must represent the CO's independent judgment.

2) The Technical Evaluation Memorandum must:

- Serve as a standalone document describing the evaluation process, from receipt of offers to evaluation, and ratings and ranking of the selected offeror(s).
- Detail the methodology used to evaluate and rate the offerors based on the criteria stated in the solicitation.
- Justify the TECs ranking of offerors based on the overall rating of each offeror.
- If the CO established a competitive range, the TEC must describe the strengths and weaknesses to support the ratings and ranking of offerors in the competitive range.
- Include all TEC members' signatures, or other evidence of agreement or clearance.

c. Technical Evaluation Requirements for Combined Solicitations

If the CO issued a combined solicitation that was open to multiple eligible sources (i.e. USNs and TCNs or CCNs and TCNs), the TEC must not evaluate USN and TCN offers or CCN and TCN offers together. In order to comply with the order of preference in section **309.3.1.4**, the CO must provide the TEC only those offers received from the preferred type first. After the evaluation of USN or CCN offers, if the CO, as the Source Selection Authority, determines that there are no qualified USNs or CCNs for the position, the CO may then provide the TCN offers to the TEC for evaluation.

309.3.1.12 Award Negotiation

Effective Date: 06/11/2020

a. General

In accordance with [AIDAR Appendices D and J](#), negotiating a personal services contract with an individual is significantly different from negotiating a contract with an organization. The selection of a contractor is not based on "best value" as discussed in FAR Part 15; rather it is based on technical merit. The only negotiable cost is the rate of compensation, which must be within the predetermined market value range. All other benefits and allowances are standard and not negotiable. The CO must negotiate and award the final compensation rate based on the guidance in this section. Neither the CO nor the Mission Director has the authority to provide any additional benefits and allowances without an approved deviation from the AIDAR or ADS in accordance with [AIDAR Appendices D and J, section 4.\(b\)](#).

The CO may decide how to initiate negotiations, whether by email or other correspondence. However, at the conclusion of any negotiations, the CO must execute a “conditional selection letter” as described below.

b. Developing the Negotiation Strategy

The CO must negotiate the compensation rate within the market value specified in the solicitation. The CO may use the offeror's relevant earnings history as well as other factors, including education, experience, and other qualifications, to determine a fair and reasonable base compensation rate within the range specified in the solicitation. In the absence of a relevant earnings history (e.g., absence from the workforce for many years, volunteer or part-time work), the CO may make the determination based on the other factors like education, experience, other skills and qualifications relevant to the position. When negotiating the compensation rate, the CO must compare the offeror’s base salary to the equivalent GS or LCP base scale, as applicable, without allowances differentials or locality pay.

For purposes of evaluating the earnings history, the following definitions apply:

- “Relevant Earnings” are actual compensation for work reasonably related to the position for which the offeror is being considered as indicated on the offeror information form.
- “Base salary” is the rate of compensation for services rendered, excluding bonuses, profit-sharing arrangements, commissions, consultant fees, extra or overtime work payments, foreign differential or quarters, locality adjustments, cost of living or dependent education and other such allowances.

c. Negotiations

- 1) If the CO is able to negotiate a fair and reasonable base compensation rate with the selected offeror within the market value range stated in the solicitation, the CO must finalize the negotiations in accordance with paragraph f. of this section.
- 2) If the CO and the top ranked offeror cannot agree on a fair and reasonable rate within the solicitation market value, the CO must begin negotiations with the next most highly ranked offeror. The CO must continue to negotiate with qualified offerors until the CO is successful in negotiating a fair and reasonable base compensation rate within the solicitation market value, or until the CO determines that no qualified offerors will accept a rate within the solicitation market value. The selected offeror’s earnings history is not justification for negotiating a rate outside of the solicitation market value. Other than as authorized for a USPS position by paragraph e. below, the CO must not award a PSC above the market value of the solicitation.

d. Applicable Procedures for Market Value Reassessment

- 1) If the CO was unsuccessful in negotiating an award within the solicitation market value, then the CO must review the solicitation to determine the most likely cause for the lack of viable offers. For example, the CO should re-assess the requirements for the position to ensure they were not above the minimum qualifications/experience necessary, or determine whether the solicitation period was too short.
- 2) If the CO determines that no change is required to the Position Level (also referred to as “classification” for CCN and TCNPSCs), but revising the solicitation is likely to result in additional qualified offerors, the CO must make the appropriate adjustments and re-solicit. When doing so, the CO must publicize the solicitation as required in the [FAR](#), [AIDAR](#), and [ADS 309mad](#), and also specifically provide the amendment, or new solicitation, to those qualified individuals who submitted offers on or before the original solicitation closing date; or
- 3) If the CO determines that the Position Level was not appropriate as solicited, the CO must cancel the solicitation. The CO must work with the Requesting Office to approve a revised Position Level, obtain a new requisition (also referred to as a “REQ” for actions processed in GLAAS), and issue a new solicitation.

e. USPSC GS-15 Equivalent Solicitations. For USPSC positions where the CO is not able to negotiate an award with a qualified offeror for a solicitation within the GS-15 equivalent market value, see [ADS 309maf, Requesting Approval to Negotiate a USPSC above GS-15 and CST.](#)

f. Final Negotiated Rate and Conditional Selection Letter

- 1) The CO must prepare a “conditional selection letter” for signature by the selected offeror, indicating the negotiated rate, proposed start date, and other relevant documentation and approvals required prior to execution of the contract. The letter must indicate that it does not constitute a commitment by USAID to execute an award, and that the CO will not execute an award until all medical, security and other required approvals have been obtained (see “Pre-Award Documentation”). The CO must ensure the conditional selection letter has been signed by the selected offeror prior to starting the medical, security and other approval processes. Any pre-contract costs must be authorized by the CO (see [FAR 31.205-32](#) and “Estimating Costs for the Position Budget”).
- 2) The CO must document in the negotiation memorandum the basis for determining that the final negotiated compensation rate is fair and reasonable.

309.3.1.13 Responsibility Determination

Effective Date: 05/18/2020

- a. The CO must contract only with responsible prospective contractors as required by [FAR Subpart 9.1](#), applying the standards and procedures of [FAR 9.104](#) and [9.105](#) as appropriate to USAID PSCs with individuals.
- b. Prohibition on Transactions with Individuals Associated with Terrorism

Presidential [Executive Order \(EO\) 13224](#) and U.S. law prohibit transactions with and the provision of resources and support to individuals associated with terrorism. In addition, [FAR 25.701](#) prohibits such transactions based on EOs and the Office of Foreign Assets Control (OFAC) regulations. Accordingly, the CO must ensure that the selected individual is not on the OFAC list of entities and individuals at <https://www.treasury.gov/resource-center/sanctions/Pages/default.aspx> (see **309.3.1.14** regarding pre-award documentation requirements).

- c. System for Award Management at www.sam.gov (SAM, formerly Central Contractor Registration (CCR))
 - 1) In accordance with [FAR 4.1102](#), contractors must be registered in SAM prior to award. However, USPSCs, TCNPSCs and CCNPSCs performing outside the U.S. and its “outlying areas” as defined in [FAR 2.101](#) are not required to register in SAM based on the exception in [FAR 4.1102\(a\)\(4\)](#). See [FAR 4.1102\(a\)](#) for other exceptions.
 - 2) Excluded parties in SAM. In accordance with [FAR 9.105](#), the CO must ensure a prospective contractor is not debarred or suspended from receiving a U.S. Government contract (see **309.3.1.14** regarding pre-award documentation requirements).

309.3.1.14 Pre-Award Documentation and Requirements

Effective Date: 05/18/2020

- a. The CO must not execute an award unless and until the CO obtains all the pre-award forms and clearances necessary for the specific type of PSC. The CO must ensure the contract file includes all the following information and documentation at a minimum before executing the award. See **309.3.1.16** below on file documentation in the Agency Secure Image and Storage Tracking ([ASIST](#)) system.
- b. The table below provides AIDAR and ADS references for more details on the specific documents.

| ITEM | DOCUMENT(S) | AIDAR | | Additional ADS § or chapter |
|-------------------------------------------------------|--------------------------------------------------------------------|--------|-----|----------------------------------------------------------------------|
| | | DCC | JCC | |
| Conditional Selection Letter | Letter | -- | -- | 309.3.1.12 |
| 1) Security Eligibility | USAID SEC requirements | 14, 24 | 4 | 566 568 545 |
| 2) Medical Clearances or Statements | Pre-Contract Expense letter; Dr. statement(s); Dpt. of State forms | 3 | 3 | 309mac 508 |
| 3) Other Required Documents | M Bureau; HCTM; M/CIO approvals as applicable | -- | -- | 309.3.1.4 309maa 517, 547, 549 |
| 4) Negotiation Memo with Responsibility Determination | SAM and OFAC search screenshots | -- | -- | 309.3.1.13 309.3.1.16 |

1) Security Eligibility/Facility Access

- Prior to award of a PSC, the selected individual must be able to obtain the security clearance or HSPD-12 access required in the solicitation. The CO must not contract for personal services with any individual until a temporary or final favorable security clearance or access eligibility determination has been made by the appropriate security office.

For USPSCs, USAID's Office of Security (SEC) will make a determination in accordance with [ADS 566, Personnel Security Investigations and Clearances](#). For CCN and TCNPSCs, the Regional Security Officer (RSO) at the Mission will make a determination.

- National Security Information Program: USPSCs are subject to the requirements for handling security information in [ADS 568, National Security Information Program](#). CCNPSCs and TCNPSCs are subject to the limitation against performing services that involve security classified material in accordance with [AIDAR Appendix J, section 4\(b\)](#).
- Information Technology Systems Security: Personal services contractors are subject to the same rules and restrictions that apply to USAID USDH employees regarding information systems and data (see [ADS 545, Information Systems Security](#)).

2) Medical Clearances and Certifications

- The CO must not execute a contract with a PSC for performance abroad, or issue travel orders for a U.S.-based USPSC for travel abroad of 30 consecutive calendar days or more, without first obtaining the medical clearances or certifications required by [AIDAR Appendices D and J](#), and [ADS 309mac, Medical Clearance Process for USPSCs and TCNPSCs](#). The CO must comply with the privacy requirements relating to medical records in accordance with [ADS 508, The USAID Privacy Policy](#).
- The CO must provide a pre-contract expense letter authorizing the contractor to incur costs for the required medical examinations and immunizations. The CO must also provide administrative approval of the contractor's reimbursement voucher request for required exams and immunizations prior to payment by the relevant payment office.
- TCNPSCs not subject to the LCP: See DCC 3, as implemented in [ADS 309mac, Medical Clearance Process for USPSCs and TCNPSCs](#).

3) Other Required Documents

- The PSC Supervisor must coordinate with relevant M Bureau offices regarding contractor workspace, use of government furnished equipment, and remote access, as applicable. The M Bureau, HCTM, Missions, the host country, and/or requesting offices may require other documentation prior to award based on the specific PSC position. See **309.3.1.4**.
- TCNPSCs not subject to the LCP: If the Requesting Office was required to obtain HCTM prior approval for a TCNPSC not subject to the LCP and approved for GS-equivalent compensation in accordance with [309maa](#), the CO must receive a copy of that approval before award.

4) Negotiation Memorandum with Responsibility Determination.

The CO must fully document the procurement action process, including a determination that the contractor is responsible and eligible for award. In accordance with **309.3.1.13**, the CO must search for the contractor in the OFAC and SAM lists, and include screenshots of each in the contract file. Additional guidance is available in [ASIST](#) (see **309.3.1.16**).

309.3.1.15 Contract Award and Documentation

Effective Date: 07/17/2018

- a. In accordance with the [AIDAR](#), the CO may award a PSC provided that the amount of the contract does not exceed the CO's warranted or delegated contracting authority.
- b. After obtaining all pre-award documentation necessary, the CO must prepare the award document before executing the contract.

- 1) Actions in GLAAS: For USPSC, and TCNPSC positions not subject to the LCP, the CO must prepare the award using the mandatory [PSC Award Templates](#) available in GLAAS. The CO and negotiator must not retain or store any contract documentation containing personally identifiable information (PII) in GLAAS. See [GLAAS Training Materials and User Guides](#).
 - 2) Actions outside GLAAS: For CCN and TCNPSC positions on the LCP, the CO must prepare the award using the [CCN and TCNPSC Award Template](#) available on the M/OAA Professional Development and Training Web site.
- c. For all PSCs, the CO must follow the procedures for filing contract documents in ASIST. See the [ASIST Homepage](#).
- d. To fully execute the contract, the award must be signed by the contractor before it is countersigned by the CO.
- e. Additional Post-Award Documentation: The CO must ensure the contract file includes, at a minimum, the following information and documentation after execution of a PSC (see **309.3.1.16** on file documentation in [ASIST](#)). The table below provides FAR, AIDAR, and ADS references for more details on the specific documents.

| ITEM | DOCUMENT(S) | AIDAR/FAR | | Additional ADS |
|------------------------------------------------------|---------------------------------------|-----------------|------------------------|---------------------|
| | | DCC | JCC | § or chapter |
| 1) Insurance - Health, Life, Prof. Liability | Insurance certificates | 3 25 | TCNPSC ONLY 8 21 | 537 |
| 2) Financial Disclosure, as appropriate | OGE-450; OGE-278 | 2 | 2 | |
| 3) Withholdings and other Payroll documentation | Government or other forms as required | 7 | 7 | 508 |
| 4) Emergency Locator | Record for file | Appx D §7 21 | Appx J §7 | 309.3.1.15, 4) |
| 5) Transportation of Personal Property as applicable | Travel Authorization | 10 | TCNPSC ONLY 9 | |
| 6) Training | Varies by PSC | 23 | 20 | 458 |
| 7) Award Checklist | See ASIST guidance | -- | -- | 309.3.1.16 |

| ITEM | DOCUMENT(S) | AIDAR/FAR | | Additional ADS |
|-----------------------------------|-----------------|-------------------------|-----|------------------------|
| | | DCC | JCC | § or chapter |
| 8) Announcement of Contract Award | FedBizOpps | FAR 5.3 | -- | |
| 9) TCNPSC ONLY - Approved ACP | Signed ACP Memo | N/A | -- | 309maa |

- 1) Insurance Coverages: The CO must obtain proof of health, and, if applicable, life, and professional liability insurance and process each as follows:
 - For USPSCs performing overseas and TCNPSCs, the CO must email the certificates to the relevant Health Unit. The CO must also provide administrative approval for insurance reimbursement vouchers prior to payment by the relevant payment office.
 - For all USPSCs and TCNPSCs, the CO must provide administrative approval for any insurance reimbursement vouchers prior to payment by the relevant payment office.

- 2) Financial Disclosure and Ethics Code: Certain contractors must file either the Form OGE-450 Confidential Financial Disclosure, or the OGE-278 Public Financial Disclosure, as required by statute (see the [Ethics in Government Act of 1978, 5 USC app. 101 et seq.](#), and [5 CFR 2634](#)). The CO must also, in consultation as necessary with their cognizant RLO or the Office of the General Counsel, Ethics and Administration (GC/EA), comply with the following procedures:
 - Review each PSC using legal criteria to determine if a filing requirement applies;
 - Distribute the correct form on or before the contract start date if the contractor is required to file a financial disclosure report. CO or filer's questions, if any, can be referred to the cognizant RLO or GC/EA; and
 - Enter an Ethics Code in the appropriate block of the current GLAAS PSC award Cover Page form: either "N" = files no form; "C" = files the Confidential form; or "P" = files the Public form.

- 3) Withholdings and Payroll Documentation
 - From a USPSC, the CO must obtain an original signed Internal Revenue Service (IRS) Form W-4, "Employee's Withholding Allowance Certificate" in addition to any other required withholding forms (i.e. state, municipal, or other jurisdiction). The CO must forward the signed W-4 and any other required forms by email to M/CFO/CMP at uspsc@usaid.gov.

- From a CCNPSC or TCNPSC, the CO must obtain any forms necessary for withholding deductions in accordance with the laws and Mission policies applicable to the cooperating country (see JCC 7). The CO must forward the necessary documentation to the Mission payroll office.
- The CO must retain the necessary signed original documents in the contract file, and comply with policies regarding [ASIST](#) in **309.3.1.16** and PII in [ADS 508, The USAID Privacy Policy](#).
- 4) Emergency Locator Contacts: The CO must obtain the names, addresses, and telephone numbers of at least two persons who may be notified in the event of an emergency (see [AIDAR Appendices D and J, sec. 7](#)).
- 5) Transportation of Personal Property: For USPSCs performing overseas and TCNPSCs, the EXO office will prepare the travel authorization, in coordination with Bureau for Management, Management Services, Travel and Transportation Division (M/MS/TTD) as necessary, for the transportation of personal effects authorized under the applicable contract clause.
- 6) Training: If applicable, forms, certifications, or other documentation may be required before award in accordance with the applicable contract clause. [See ADS 458, Training and Career/Professional Development](#).
- 7) Award Checklist: The CO must prepare a list of required documentation for each specific PSC based on this section **309.3.1.15**, and [ASIST](#) guidance, under **309.3.1.16**.
- 8) Announcement of Contract Award: For USPSCs, the CO must comply with the publicizing requirements of [FAR 5.3](#)
- 9) TCNPSCs not subject to the LCP: If alternate classification procedures were used, the CO's contract file must include the Mission Director approved/signed ACP attached to the approved position classification. The CO must also include the compensation rate, benefits, and allowances in the award based on the approved ACP, and document the Negotiation Memorandum accordingly (see [ADS 309maa, Requesting Approval to Use Alternate Classification Procedures \(ACP\)](#)).

309.3.1.16 File Documentation

Effective Date: 07/17/2018

- a. The Agency Secure Image and Storage Tracking (ASIST) system is USAID's official electronic repository for all acquisition and assistance (A&A) file documentation. The CO and negotiators must use ASIST to file all PSCs and related documentation in accordance with [FAR 4.8](#). The file must include all contractual documentation, including any items considered personnel or human resources in nature, for the contract currently in effect. The ASIST system is only

accessible by A&A and M/CFO or Mission financial management staff who must adhere to USAID's Privacy Program regarding protecting personally identifiable information (PII) in accordance with [ADS 508, The USAID Privacy Policy](#). The requirements and procedures for filing PSC award documents, including marking and managing restricted access folders, and maintaining and distributing documents, are available on the internal [ASIST Homepage](#).

- b. Incentive Awards: The Supervisor must provide the CO a copy of all approved incentive awards, whether monetary or not, for the contract file.

309.3.1.17 Debriefing

Effective Date: 07/17/2018

It is USAID policy to conduct debriefings upon request from individuals who have responded to a PSC solicitation. The CO must follow the procedures outlined in [FAR 15.5](#), as applicable, when responding to requests for debriefing.

309.3.1.18 Contractor Performance Evaluation

Effective Date: 01/13/2020

- a. In accordance with [AIDAR 742.15](#), PSCs are not subject to performance assessment reporting procedures contained in the Contractor Performance Assessment Reporting System (CPARS).
- b. In accordance with [AIDAR Appendices D and J](#), the Supervisor must complete an annual performance evaluation and provide the fully signed copy to the CO for the contract file.

For USPSCs and TCNPSCs not subject to the LCP and approved for use of specific Appendix D standards, the Supervisor must use the [Annual Work Plan and Performance Evaluation Template](#), unless the CO approves a different performance evaluation template that complies with the [AIDAR](#) and this ADS chapter, for use by an Operating Unit at the Mission, Bureau, or (B/IO). If the USPSC, or non-LCP TCNPSC, is rated satisfactory or better, the Supervisor must inform the Mission or B/IO payroll office in writing to process a GS-equivalent grade step increase, with "cc" copy to the CO, and to the Bureau for Management, Office of the Chief Financial Officer, Cash Management and Payment Division (M/CFO/CMP) at uspsc@usaid.gov. When the contractor reaches the highest step of the GS-equivalent grade for the position, the compensation rate is "capped" in the same way as a USDH salary.

For CCN and TCNPSCs subject to the LCP, the Supervisor must use the evaluation form(s) required by the Mission. If the CCN or TCNPSC is rated satisfactory or better, the Supervisor must inform the Mission payroll office in writing to process a compensation rate increase within the position's FSN-equivalent grade, with "cc" copy to the CO.

309.3.1.19 Modifications

Effective Date: 09/20/2019

- a. Form: The CO must comply with [FAR 43.301](#) regarding the use of [Standard Form 30, Amendment of Solicitation/Modification of Contract \(SF-30\)](#) to execute all PSC modifications.
- b. Unilateral Modifications: In accordance with [FAR Part 43.301](#), the CO may execute unilateral modifications for incremental funding, or other administrative changes.
- c. Responsibility Determination: Before executing a modification, including modifications for incremental funding, exercising an option, or extending the period of performance based on a justification and approval under the FAR or AIDAR, the CO must reaffirm the responsibility determination by checking OFAC and SAM (see [309.3.1.13](#) of this section). The CO must also verify that the contractor's medical and security determinations are current. All such determinations must be documented in the negotiation memorandum.
- d. Options: The CO must comply with the requirements of [FAR 17.2](#) when modifying a contract to exercise an option within the terms of the contract. If options were not included in the original award, the CO must address the appropriate competition requirements to extend or renew the contract for a continuing need.
- e. Competition: When a proposed action triggers the need for competition, the CO must either re-compete the action or prepare and publish a Justification and Approval (J&A) in accordance with [FAR Part 6](#) and [AIDAR 706](#) before executing a modification. Competition is required for a modification if there is a cardinal change to the contract, such as:
 - 1) An increase to the total estimated cost;
 - 2) A change to the Statement of Duties or other terms and conditions of the contract that alters major duties and responsibilities, resulting in a change to the position and/or level; or
 - 3) An extension of the period of performance.

Equitable adjustments that increase the total estimated cost of the award or extend the period of performance as authorized under a contract clause are not considered cardinal changes; for example, increases to the total estimated cost due to annual performance-based and pay comparability increases, exercising of options, or other administrative changes.

- f. Special Modification Requirements for CCNPSCs
 - 1) Incremental and Master Funding Documents: When incrementally funding a CCNPSC, the CO may execute either a modification to each contract or a

single modification that obligates funds to multiple contracts using the procedures in [ADS 309mai, Mass Modification for Incremental Funding of CCNPSCs](#).

- 2) TDYs to Iraq and Afghanistan: The CO must follow contract modification and other procedures in [AAPD 03-11, CCNPSC TDYs to Iraq and Afghanistan](#).

309.3.1.20 Contract Termination

Effective Date: 07/17/2018

- a. In the event of a contract termination, whether for the convenience of USAID or for cause, the CO must follow [AIDAR Appendix D, section 12, contract clause 16](#) for USPSCs, or [Appendix J, section 12, contract clause 12](#) for CCN or TCNPSCs, in consultation with USAID's Office of General Counsel as necessary.
- b. For terminations of CCNPSCs, the CO must consult with the cognizant Mission RLO to ensure compliance with any additional requirements or limitations under local labor law, including the minimum notice period.
- c. For terminations for convenience of CCNPSCs under a Reduction in Force (RIF), the CO must follow the terms of the contract as specified in [AIDAR Appendix J, section 12, contract clause 12, paragraph \(a\)\(2\)](#). Additionally, as a matter of USAID policy, the CO must follow the rules and procedures governing RIFs in the LCP to determine which PSC positions will be terminated.

309.3.1.21 Debt Collection

Effective Date: 06/15/2016

The Federal Claims Collection Act of 1966 and the Debt Collection Improvement Act of 1996 (DCIA) require agencies to comply with standard, government-wide debt collection procedures. The CO is responsible for determining the principal amount of most debts owed by contractors. For the process for recovering debt, see [ADS 625, Accounts Receivable and Debt Collection](#). Additional guidance can be found in [ADS 302sav, Contracting Officer's Role in Debt Collection](#).

309.3.1.22 Closeout

Effective Date: 07/17/2018

The CO must close out PSCs in accordance with [FAR 4.804](#) and [ADS 302sat, Guidance on Closeout Procedures for A&A Awards](#). The CO must also follow separation and exit clearance policies as applicable to PSCs under [ADS 451, Separations and Exit Clearance](#), and dispose, retire and destroy PSC records in accordance with [ADS 502, The USAID Records Management Program](#).

309.3.2 Specific Requirements for USPSCs

Effective Date: 07/17/2018

This section describes the policies and procedures that apply when developing contract requirements specifically for USPSC positions as authorized under [Section 636\(a\)\(3\) of the FAA, as amended](#), and other specific appropriations and authorities.

309.3.2.1 Establishing the Position Level and Market Value

Effective Date: 07/17/2018

a. Position Level and Market Value Determination

- 1) As a matter of Agency policy, USAID has adopted the U.S. Office of Personnel Management (OPM) General Schedule pay table to arrive at the market value for a USPSC position. The Requesting Office and CO must therefore follow the [GS Classification and Pay standards](#) to determine the GS-equivalent grade (also see **309.3.1.4** regarding the separation of duties when the CO is the Requesting Office).
- 2) In accordance with [AIDAR Appendix D, section 4\(e\)](#), the Requesting Office and CO must use the benchmarks in [ADS 309maq, Position Level Benchmarks for USPSCs](#) to determine the GS-equivalent grade for the position. The Requesting Office may consult with the EXO Office or CO as needed, and must prepare a memorandum to propose a GS-equivalent grade for the CO's approval (see below). The memo must include an "approval/disapproval" signature block for the CO, and describe the Requesting Office's Position Level benchmark analysis and proposed GS-equivalent grade.
- 3) The Requesting Office must compare the Position Description to each of the Position Level benchmark(s) as appropriate to justify the proposed GS-equivalent grade.

b. Contracting Officer Approval

The CO is responsible for making the final determination as to whether the Requesting Office has adequately justified the proposed GS-equivalent grade for the position. The CO may require the Requesting Office to provide further justification or data to support the proposed Position Level.

- 1) Based on the Requesting Office's analysis, the CO must also assess the Position Description against the Position Level benchmark characteristics before establishing the Position Level and market value as follows:
 - If the CO agrees with the Requesting Office's proposed GS-equivalent grade, the CO may approve and sign the Requesting Office's memo to establish the final approval of the GS-equivalent grade and market value. The CO must use the [GS Classification and Pay standards](#) as adopted by Agency policy for determining the market value for the position. If the place of performance of the position is located in the U.S. or its territories, the CO must establish

the market value based on the locality pay table for the appropriate geographic area. If the position is located abroad, the CO must establish the market value based on the GS-equivalent base pay table without locality pay.

- If the CO disagrees with the Requesting Office's recommended GS-equivalent grade, the CO must review the Position Level, in consultation with the Requesting Office for any necessary information, and amend the proposed Position Level accordingly before approving the final GS-equivalent grade and market value.
- HCTM/HCSC/C may be available to assist the CO in determining the appropriate Position Level.

2) Appeal of the CO's Position Level Approval

- If the Requesting Office disagrees with the CO's approved Position Level, it may appeal the CO's decision to the HCA. In the event the Requesting Office is the HCA, the appeal must be submitted to the M/OAA Director.
- The appeal must be initiated by the Requesting Office supervisor or the Development Objective (DO) team leader, within five workdays of the CO's final determination and approval. The appeal must be submitted in writing to the HCA through the CO, and must contain a detailed explanation of the basis for the appeal.
- The CO must submit the appeal to the HCA, along with any additional information regarding the Position Level determination for the HCA's consideration.
- After review of the appeal, the HCA must provide a written determination of the appropriate Position Level. The HCA's determination is final and the CO must include it in the contract file and document the HCA's decision in the contract negotiation memorandum.

309.3.2.2 Determining Withholdings, Benefits and Other Facets of Compensation

Effective Date: 06/11/2020

- a. When preparing the Position Budget, in addition to an estimated market value for the Position Level, the Requesting Office must also estimate benefits and any other compensation costs (see **309.3.1.7**). The Requesting Office must work with the CO to determine the clauses and terms and conditions regarding benefits and withholdings that may be relevant to the specific PSC position.

The CO is not authorized to make any changes or provide any benefits to USPSCs other than those in [AIDAR Appendix D, section 4](#), without an approved deviation in accordance with [AIDAR 701.4, Appendix D section 4.\(b\)](#), and section **309.3.1.2** of

this chapter. USPSCs may receive a “Consumables Allowance” if authorized for the specific Mission per [AIDAR Appendix D, section 4](#), and implementing policies in [ADS 523, Foreign Service Assignment Travel](#).

- b. The table below lists USPSC withholdings, major benefits, and other facets of compensation from [AIDAR Appendix D, section 4, Policy, and section 12, General Provisions \(GPs\)](#), (that are expected to be renamed “contract clauses (DCCs)” in future AIDAR revisions). The table also includes supplemental information and other Agency policies and procedures as referenced. In the event of a conflict between this ADS chapter and the AIDAR, the AIDAR will govern as incorporated into the contract. Other benefits are provided as a matter of USAID policy under the ADS and other Agency directives.

| DESCRIPTION | AIDAR Appx. D § | DCC | Other Policy |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|-------------------------|
| Withholdings | | | |
| USAID withholds applicable taxes, and FICA payments. For questions contact M/CFO/CMP at uspsc@usaid.gov . | 4(c)(1), 12 | 7 | |
| Fringe Benefits and Other Facets of Compensation | | | |
| USAID provides FICA contributions (employer portion for purposes of the IRS Code). | 4(c)(2), 12 | 7 | |
| Insurance - Health & Life: <ul style="list-style-type: none"> - Health insurance provider information is available at the State Department Web site http://travel.state.gov. - The USAID maximum annual health and life insurance contribution percentages are found in DCC 9, and must not exceed the current annual dollar amounts below: <ul style="list-style-type: none"> ● Health Insurance: <ul style="list-style-type: none"> ○ For Contractor Only: not to exceed \$7,266. ○ For Contractor with Family: not to exceed \$20,339. ● Life Insurance: not to exceed \$500 | 4(c)(2), 12 | 9, 28 | |
| Insurance - Workers' Compensation: USPSCs are eligible to receive benefits for injury, disability, or death under the Federal Employees' Compensation Act (FECA) because the law is administered by the Department of Labor, not OPM. | 4(c)(2), 12 | 9 | ADS 442 |

| DESCRIPTION | AIDAR Appx. D § | DCC | Other Policy |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Insurance - Professional Liability: | -- | -- | ADS 537 |
| Medical Evacuation (Medevac): | 12 | 25 | AAPD 18-02 Revised |
| Allowances and Differentials: Only for USPSCs recruited from outside the cooperating country, or on TDY as applicable. | 4(c)(2), 12 | 6 | |
| Physical Exams and Health Unit: - See ADS 309mac, Medical Clearance Process for USPSCs and TCNPSCs not subject to the LCP. | 4(c)(2), 12 | 3 | |
| Leave and Holidays (Annual; Sick; Home; FML, etc.): - A Resident Hire or U.S.-based USPSC is ineligible for Home Leave of any kind - See ADS 480 regarding allowable uses of Sick Leave that USAID applies to USPSCs. - See ADS 472 regarding compensatory time off for travel. | 4(c)(2), 12 | 5, Deviati on in AAPD 15-02 Revise d 2 | AAPD 15-02 Revised 2 ADS 480 ADS 472 |
| Travel and Transportation Expenses (Home Leave; R&R, HHE, POV, UAB, etc.): - Only for USPSCs recruited from outside the cooperating country, or on TDY as applicable. - See ADS 522 regarding TDY travel and passports. | 12 | 10, 28 | ADS 522 |
| APO and Commissaries | 12 | 13 | |
| Pouch Services/APO/DPO | 12 | 20 | |
| Training: Resident Hire USPSCs are ineligible for orientation in the U.S. | 12 | 23 | ADS 458 |
| Retirement and Former Government Employees: - In accordance with AIDAR Appendix D , USPSCs may not participate in programs administered by OPM, such as retirement plans. - USPSCs may instead participate in a defined contribution pension plan (see ADS 637, U.S. Personal Services Contractors 401(k) Defined Contribution Pension Plan). | 4(c)(2) | -- | ADS 637 |
| Annual Performance–Based Compensation Increase: See instructions in 309.3.1.18 . | 4(c)(2), 4(g) | -- | |

| DESCRIPTION | AIDAR Appx. D § | DCC | Other Policy |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----|----------------------------|
| Pay Comparability Adjustment | 4(c)(2) 4(h), 12 | 4 | |
| Sunday Pay: Each Mission and B/IO has the option to authorize Sunday Pay for USPSCs based on the following: <ul style="list-style-type: none"> - The decision whether or not to authorize Sunday Pay must be administered consistently throughout the Mission/B/IO; and - If Sunday Pay is authorized, it must be paid under the same terms and conditions that apply to non-commissioned FS Direct-Hire employees who receive Sunday Pay. - Retroactive compensation for USPSCs who were not authorized to receive Sunday Pay during initial negotiations of their contracts is not authorized. Sunday Pay is only applicable to new contracts, extensions, renewals, or other modifications where there is consideration to the government. | -- | -- | |
| Incentive Awards: See ADS 309mab for detailed procedures to implement the AIDAR. | 4(f) 12 | 29 | ADS 309mab |
| Compensation Currency: USPSCs must be paid in U.S. dollars unless otherwise specified in the contract award document. | -- | -- | |

309.3.3 Specific Requirements for CCN and TCNPSCs

Effective Date: 07/17/2018

This section describes the policies and procedures that apply when developing contract requirements specifically for CCN and TCN PSC positions as authorized under [Section 636\(a\)\(3\) of the FAA, as amended](#).

CCNPSCs may participate in the Foreign Service National Advocacy Council described in [ADS 495, Foreign Service National Personnel Administration](#).

309.3.3.1 Preparing the Position Description, and Establishing the Position Level and Market Value

Effective Date: 09/20/2019

- a. In addition to the requirements of **309.3.1.5**, the Requesting Office must prepare the Position Description using the Interagency Classification tool in consultation with the EXO Office on the same basis as in [ADS 495, Foreign Service National Personnel Administration](#).
- 1) CCNPSCs may participate in the Foreign Service National Fellowship Program described in [ADS 495maa, Foreign Service National Fellowship Program](#). The Requesting Office must ensure the CCNPSC Position Description includes possible temporary duty (TDY) travel to USAID/Washington or other Missions in order to authorize participation in the Program.
 - 2) For TCNPSCs, the Requesting Office must ensure the Position Description includes a measurable deliverable for the TCNPSC to train a CCN designated by USAID to take over the work, including an estimate of the time required for that training.
- b. Position Classification
- 1) All position classifications must be based on the requirements of the position and not on any potential offeror's qualifications and experience. The Requesting Office must work with the EXO Office human resource specialists to classify a new position or reclassify an existing position, using the Interagency Classification tool and following Agency policy managed by the HCTM/OHCI on the same basis as in [ADS 495, Foreign Service National Personnel Administration](#).
 - 2) Based on the classification recommended by the Requesting Office and EXO Office human resource specialist, the CO must ensure that all CCN and TCNPSC positions are classified properly within the LCP before advertising the position.
 - 3) In accordance with [AIDAR Appendix J, section 4\(c\)\(2\)\(ii\)](#), the cognizant Mission Director may approve alternate classification procedures (see **309.3.1.5.b.** and [ADS 309maa, Requesting Approval to Use Alternate Classification Procedures \(ACP\)](#)).
 - 4) If a reclassification of a position results in a change in the grade level, the CO must follow all publicizing and competition requirements (see [ADS 309mad](#)). Promotions, downgrades, and grade retention in 3 FAM 7370 and 7390 only apply to Locally Employed Staff and Foreign Service National Direct-Hire employees. In accordance with [ADS 309mah, Application of the Foreign Affairs Manual under Federal and USAID Regulations and Policies on PSCs](#), these sections of the FAM do not apply to PSCs.
- c. Compensation

In accordance with [AIDAR Appendix J, section 4\(c\)\(2\)\(i\) and \(ii\)](#), the LCP is the basis for all compensation payments to CCNPSCs and TCNPSCs. The LCP consists of the local salary schedule, which includes pay rates, authorized fringe benefits, and other pertinent facets of compensation. Therefore, after determining the position grade level, the Requesting Office and CO must use the Foreign Service National (FSN) pay table to determine the FSN-equivalent range of compensation.

Where the LCP makes reference to the FAM, the CO must not incorporate provisions of the FAM that conflict with contracting regulations and policies (see [ADS 309mah, Applicability of Other Regulations and Policies to USAID PSCs](#)).

d. CCNPSC Progressive Level Positions

- 1) For Agency mission critical needs, USAID authorizes the use of CCNPSC progressive level positions (*i.e.*, “ladder” positions) subject to HCTM/OHCI approval per section **309.3.1.4**. To justify creation of a ladder, the Requesting Office’s documented market research must demonstrate a low probability that the Mission will find a qualified CCN for the required services at the full performance level (see the mandatory [CCNPSC Solicitation and Award templates](#) for additional detailed procurement procedures).
- 2) Classification and Solicitation. Ladder positions must not be classified at more than two levels below the full performance level (*i.e.*, a maximum of three grades). The solicitation must state the minimum requirements for each performance level based on the respective HCTM/OHCI-approved position descriptions, and indicate that progression to the next higher performance level will be exercised as a contract option.
- 3) Contract Award with Options. The CO will award the contract for a “ladder” position at the level at which the CCN has met the requirements of the solicitation, with options that will be exercised based on the Agency’s needs and the individual having met the requirements for the higher levels.
- 4) Exercising Options. If the Requesting Office determines that the Mission requires performance at the next higher level, funds are available, and the CCNPSC meets the qualifications to advance, the CO may exercise the option for that level (see section **309.3.1.19(d)** regarding FAR requirements for exercising options). If the number of CCNPSCs on the same “ladder” position description exceeds the number of positions required at the next higher level, then the Mission must use a consistent and equitable process to identify the most qualified CCNPSC(s) the CO may advance to the next level by exercising an option.

309.3.3.2 Determining Withholdings, Benefits and Other Facets of Compensation

Effective Date: 06/11/2020

- a. When preparing the Position Budget, in addition to an estimated market value based on the position classification, the Requesting Office must estimate benefits and any other compensation costs (see **309.3.1.7**). The Requesting Office must also work with the CO to determine the clauses and terms and conditions regarding benefits and withholdings that may be relevant to the specific PSC position.
- b. In accordance with [AIDAR Appendix J, section 4](#), CCNPSCs and TCNPSCs are not entitled to any fringe benefit, allowance, or differential that is not expressly stated in the LCP. An approved ACP may also affect benefits that are available for the specific CCN or TCNPSC position (see [ADS 309maa, Requesting Approval to Use Alternate Classification Procedures \(ACP\)](#)).
- c. The table below lists withholdings, major benefits and other facets of compensation applicable to CCN and TCNPSCs from the [AIDAR Appendix J, sections 4, Policy and 12, General Provisions \(GPs\)](#), (that are expected to be renamed “contract clauses (JCCs)” in future AIDAR revisions). The table also includes supplemental information and other Agency policies and procedures as referenced. In the event of a conflict between this ADS chapter and the AIDAR, the AIDAR will govern as incorporated into the contract. Other benefits are provided as a matter of USAID policy under the ADS and other Agency directives.

| DESCRIPTION <i>Applies to CCN & TCN PSCs under AIDAR Appendix J unless otherwise indicated.</i> | AIDAR Appx. J § | JCC | Other Policy |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------|-----------------------------|
| Withholdings | | | |
| Pursuant to local labor laws. | 12 | 7 | |
| Fringe Benefits and Other Facets of Compensation | | | |
| Employer Contributions under the LCP: Although contributions must be included in the CCN and TCNPSC comprehensive and contract budgets for the position, they will not be paid directly to the contractor. | 12 | 7 | |
| Insurance - Health & Life: - Under ADS 496 , USAID provides health and accident coverage during official travel outside the cooperating country. - For TCNPSCs not subject to the LCP and approved for use of specific Appendix D standards, see DCC 9. | 12 | 8 | ADS 496 |
| Insurance - Workers' Compensation: CCNPSCs and TCNPSCs are eligible to receive benefits for injury, disability, or death | 12 | 8 | ADS 442 |

| DESCRIPTION <i>Applies to CCN & TCN PSCs under AIDAR Appendix J unless otherwise indicated.</i> | AIDAR Appx. J § | JCC | Other Policy |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------|-------------------------------------------------------|
| under FECA because the law is administered by the Department of Labor, not OPM. | | | |
| Insurance - Medevac: Applicable only to TCNPSCs | 12 | 21 | AAPD 18-02 Revised |
| Insurance - Professional Liability: Pursuant to ADS 537 , CCNPSCs and TCNPSCs may be eligible for reimbursement. | -- | -- | ADS 537 |
| Allowances | 12 | 13 | |
| Physical Exams: For TCNPSCs not subject to the LCP and approved for use of specific Appendix D standards, see DCC 3 and ADS 309mac , Medical Clearance Process for USPSCs and TCNPSCs not subject to the LCP . | 12 | 3 | ADS 309mac |
| Leave and Holidays: For TCNPSCs not subject to LCP, approved for specific Appendix D standards, - See DCC 5, and AAPD 15-02 Revised 2 . - The CO must indicate in Article VI of the contract Schedule that DCC 5 paragraphs (c), Home Leave, and (i), Family and Medical Leave, do not apply. TCNPSCs may be eligible for "Country Leave" for Qualifying Posts as stated in DCC 5. See the mandatory template for other specific instructions. | 12 | 6 | TCN PSCs ONLY AAPD 15-02 Revised 2 |
| Travel & Transportation Expenses: | 12 | 9 | |
| Training: All training applications will be processed on a case-by-case basis and must be approved by the CO in accordance with Mission policy. | 4(c)(4) 12 | 20 | ADS 458 |
| Retirement and Former U.S. Government Employees | 4(c)(2)(vii) | -- | |
| Annual Performance–Based Compensation Increase: See instructions in 309.3.1.18 . | 4(c) | -- | |

| DESCRIPTION <i>Applies to CCN & TCN PSCs under AIDAR Appendix J unless otherwise indicated.</i> | AIDAR Appx. J § | JCC | Other Policy |
|-------------------------------------------------------------------------------------------------------------------|----------------------------|------------|--------------------------------|
| Workweek and Premium Pay | 12 | 5 | |
| Incentive Awards: See ADS 309mab for detailed procedures to implement the AIDAR. | 4(c)(3) 12 | 19 | ADS 309mab |
| Compensation Currency | 4(c)(2)(iv) | -- | |

309.4 MANDATORY REFERENCES

309.4.1 External Mandatory References

Effective Date: 06/15/2016

- a. [Department of State Standardized Regulations \(DSSR\)](#)
- b. [Federal Acquisition Regulation \(FAR\)](#)
- c. [Federal Employees' Compensation Act \(FECA\)](#)
- d. [Foreign Affairs Manual \(FAM\)](#)
- e. [Foreign Assistance Act of 1961 \(FAA\), sections 635\(b\), 635\(h\), and 636\(a\)\(3\)](#)

309.4.2 Internal Mandatory References

Effective Date: 02/05/2021

- a. [Acquisition and Assistance Policy Directives \(AAPDs\)/Contract Information Bulletins \(CIBs\)](#)
- b. [ADS 103, Delegations of Authority](#)
- c. [ADS 109, Ethics and Standards of Conduct](#)
- d. [ADS 201, Program Cycle Operational Policy](#)
- e. [ADS 300, Agency Acquisition and Assistance \(A&A\) Planning](#)
- f. [ADS 302, USAID Direct Contracting](#)
- g. [ADS 302mbo, Guidance for Use of the Authorities under Expedited Procedures Packages \(EPPs\)](#)

- h. [ADS 309maa, Requesting Approval to Use Alternate Classification Procedures \(ACP\)](#)
- i. [ADS 309mab, Incentive Awards for Personal Services Contracts with Individuals](#)
- j. [ADS 309mac, Medical Clearance Processes for USPSCs and Excepted TCNPSCs not subject to the LCP](#)
- k. [ADS 309mad, Competition and Publicizing, and Class Justification and Approval \(J&A\) for Limited Competition for PSCs](#)
- l. [ADS 309mae, Position Description Instructions for PSCs](#)
- m. [ADS 309maf, Requesting Approval to Negotiate a USPSC above GS-15 and CST](#)
- n. [ADS 309mag, Position Level Benchmarks for USPSCs](#)
- o. [ADS 309mah, Applicability of Other Regulations and Policies to USAID PSCs](#)
- p. [ADS 309mai, Mass Modification for Incremental Funding of CCNPSCs](#)
- q. [ADS 309maj, PIIDs for CCN and TCNPSCs Processed Outside GLAAS](#)
- r. [ADS 309mak, Uniform Use of Line Items](#)
- s. [ADS 309mal, Family and Medical Leave for USPSCs](#)
- t. [ADS 405, Telework](#)
- u. [ADS 442, The Workers' Compensation Program](#)
- v. [ADS 451, Separations and Exit Clearance](#)
- w. [ADS 458, Training and Career/Professional Development](#)
- x. [ADS 480, Leave](#)
- y. [ADS 495, Foreign Service National Personnel Administration](#)
- z. [ADS 496, FSN Health and Accident Coverage \(HAC\)](#)
- aa. [ADS 502, The USAID Records Management Program](#)

- ab. [ADS 508, The USAID Privacy Policy](#)
- ac. [ADS 514, Parking Program Administration](#)
- ad. [ADS 515, Transit Benefits \(SmartBenefits\) Program](#)
- ae. [ADS 517, Washington Real Property Acquisition and Management](#)
- af. [ADS 521, Claims for Losses of Private Personal Property](#)
- ag. [ADS 522, Performance of Temporary Duty Travel in the U.S. and Abroad](#)
- ah. [ADS 526, USAID Guest House Services](#)
- ai. [ADS 529, Safety Program](#)
- aj. [ADS 537, Professional Liability Insurance](#)
- ak. [ADS 545, Information Systems Security](#)
- al. [ADS 565, Domestic Security Programs](#)
- am. [ADS 566, Personnel Security Investigations and Clearances](#)
- an. [ADS 568, National Security Information Program](#)
- ao. [ADS 569, Counterintelligence Program](#)
- ap. [ADS 601 Funding Source Policy](#)
- aq. [ADS 602, Forward Funding, Program Funds](#)
- ar. [ADS 603, Forward Funding, Non-Program Funds](#)
- as. [ADS 621, Obligations](#)
- at. [ADS 625, Accounts Receivable and Debt Collection](#)
- au. [ADS 626, Payroll](#)
- av. [ADS 627, Local Currency Trust Fund Management](#)
- aw. [ADS 637, U.S. Personal Services Contractors 401\(k\) Defined Contribution Pension Plan](#)
- ax. [Agency for International Development Acquisition Regulation \(AIDAR\)](#)

309.5 ADDITIONAL HELP

Effective Date: 06/15/2016

- a. [ADS 302sat, Guidance on Closeout Procedures for A&A Awards](#)
- b. [ADS 302sav, Contracting Officer's Role in Debt Collection](#)
- c. [Procurement Executive Bulletins \(PEBs\)](#)

309.6 DEFINITIONS

Effective Date: 07/17/2018

See the [ADS Glossary](#) for all ADS terms and definitions.

abroad

See section 1, [AIDAR Appendix D](#). (Chapter 309)

Contracting Officer (CO)

A person representing the U.S. Government through the exercise of his or her delegated authority to enter into, administer, and terminate contracts and make related determinations and findings. This authority is delegated by one of two methods: to the individual by means of a "Certificate of Appointment", SF-1402, as prescribed in [FAR 1.603-3](#), including any limitations on the scope of authority to be exercised, or to the head of each contracting activity (as defined in [AIDAR 702.170](#)), as specified in [AIDAR 701.601](#). (Chapter 309)

Cooperating Country National Personal Services Contractor (CCNPSC)

See [AIDAR Appendix J, section 1](#) for the definition of a CCNPSC. A Foreign Service National (FSN), as defined in 3 FAM 7000, is not a CCNPSC. (Chapter 309)

employer-employee relationship

See [section 1 in both AIDAR Appendix D and J](#). (Chapter 309)

Foreign Service National (FSN) (Chapter 309, [495](#))

non-personal services contract

See section 1 in both [AIDAR Appendix D and J](#). (Chapter 309)

personal services contract (PSC)

See [FAR 37.104](#) and [section 1 in both AIDAR Appendices D and J](#). (Chapter 309)

Requesting Office

A Bureau, Independent Office or Operating Unit, responsible for describing the need for a PSC in accordance with [FAR Parts 11 and 37](#), the [AIDAR](#) and this chapter. (Chapter 309)

resident hire USPSC

See [AIDAR Appendix D, section 1](#). (Chapter 309)

supervisor

The individual who provides relatively continuous supervision and control of the contractor's performance in accordance with [FAR 37.104](#), and who supports the CO in contract administration. The Supervisor is not a Contracting Officer's Representative (COR) as defined in [FAR 1.604](#). (Chapter 309)

Third Country National Personal Services Contractor (TCNPSC)

See [AIDAR Appendix J, section 1](#). (Chapter 309)

U.S. National (USN)

See [AIDAR 702.170-1, section 1](#) (Chapter 309)

U.S. Personal Service Contractor (USPSC)

A USN hired under a contract for personal services in accordance with [FAR Part 37](#) and [AIDAR Appendix D](#). (Chapter 309)

U.S. resident alien

See [AIDAR Appendix D, section 1](#). (Chapter 309)

U.S.-based USPSCs

A USPSC performing services in the United States and its territories. (Chapter 309)

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