

awards, the RO must note the specific standards for branding and marking that apply, including any USAID-proposed exceptions, waivers, or special Administrator determinations, for inclusion in the Notice of Funding Opportunity (NOFO). The Apparently Successful Applicant (with which USAID is negotiating the assistance award) prepares and submits the BS that USAID and the organization will negotiate and finalize as part of the assistance award (see Section **320.3.3.2**, and Section 700 of Title **2 of the CFR**). The Apparently Successful Applicant also submits a Marking Plan in accordance with the specifications of the NOFO.

In addition to any USAID-proposed exceptions or waivers in the RFP or NOFO, prospective contractors and Apparently Successful Applicants may also request exceptions in their submitted Marking Plans. Exceptions are rare, programmatic in nature, and reflect the categories of foreign assistance USAID generally does not want marked. USAID should approve exceptions pre-award but may also approve them post-award when appropriate (see Section **320.3.2.5** for exceptions to USAID's requirements for marking under contracts and Section **320.3.3.2** and Section 700 of Title **2 of the CFR** for exceptions to USAID's requirements for marking under assistance). Please note that, in contrast to waivers for compelling political, safety, and security concerns, approved by the Principal Officer, the cognizant CO/AO approves programmatic exceptions.

Although the COs/AOs determine whether to approve exceptions to marking requirements, they should consult on proposed exceptions with the Principal Officer, RO, RLO, and Development Outreach and Communications Officer at Missions or Bureau/Office Communications Officer for Washington-managed activities. The Senior Advisor for Brand-Management has the authority to overrule determinations for exceptions in the field if necessary, to resolve disputes (see **320.3.2.5**).

COs/AOs must file all approved waivers in ASIST (see the [ASIST Filing Guide](#)).

320.3.1.3 Post-Award Procedures

Effective Date: 02/05/2020

Immediately after making an award, the CO/AO must brief the USAID contractor or recipient on the Agency's monitoring and enforcement of the approved Marking Plan and related marking requirements. The CO/AO must coordinate with the COR/AOR and/or Program Officer or other designee and emphasize to them and the implementing partner that USAID may consider failure to meet marking requirements as non-compliance with the contract, assistance award, or other funding mechanism, and that the Agency's requirements for branding and marking are subject to programmatic audit and oversight. COs/AOs must also stress the importance of project-site marking (and the verification of marking for Agency, Congressional, or other high-level visits to project sites).

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

After award, CORs/AORs serve as USAID's point-of-contact for reviewing materials and answering questions from implementing partners. As the individual with the most direct knowledge of the implementing partner's activities under the award, the COR/AOR is responsible for monitoring compliance with the Agency's requirements for marking and branding, as follows:

- For contracts, the COR checks to make sure the contractor complies with its Branding Implementation Plan (see Section **320.3.2.2**) and Marking Plan (see Section **320.3.2.3**) as incorporated into the award; and
- For grants and cooperative agreements, the AOR monitors the recipient's compliance with its BS and Marking Plan (see Section **320.3.3**).

If CORs/AORs note any cases of non-compliance, or if they receive any allegations of non-compliance, they must alert the CO or AO, and they must then determine the actual facts of the matter. If the contractor or recipient is not complying with the requirements for branding and marking specified in the award, then the CO or AO must take appropriate action (see Section **320.3.8**).

CORs/AORs carry out other administrative duties described in this ADS chapter, such as processing requests for waivers from implementing partners to the Principal Officer for review and determination (see Section **320.3.2.6**). To carry out these duties effectively, the COR/AOR must seek guidance from the CO/AO, and, in addition, may seek guidance as needed from the RLO, DOC/Program Office, Bureau/Office Communications Officers, or the Agency's Senior Advisor for Brand-Management in LPA.

COs/AOs must follow the filing procedures for ASIST (see the [ASIST Filing Guide](#)).

320.3.1.4 Administrative Communications

Effective Date: 02/05/2020

USAID's contractors and recipients must not use the USAID Identity on any communications that are strictly administrative, rather than programmatic, in nature. Examples of administrative communications include, but are not limited to, correspondence with a host-country government concerning a contractor's compliance with local law, including tax, customs, or other provisions. The USAID Identity is also prohibited on communications from contractors and recipients related to the administration of an award, such as hiring/firing staff or renting office space and/or equipment. USAID's CORs/AORs, COs/AOs, and RLOs are available to advise partners about USAID's implementation of framework bilateral and other agreements with host-country governments.

320.3.1.5 Business Cards

Effective Date: 02/05/2020

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Contractors and recipients may include wording on their employees' business cards to identify that their staff members are working on a USAID-funded activity ("USAID Contractor" or "USAID Grantee," as appropriate). If the contractor or grantee elects to identify employees as stated above, the contractor or grantee may also include the name of the USAID-funded program (see Section **320.3.2** or Section 700 of Title [2 of the CFR](#)). However, business cards must not use the USAID Identity, and designs and layouts used must make it clear that the employee is not an employee of USAID.

320.3.2 Branding and Marking in USAID's Direct Contracts

Effective Date: 02/05/2020

USAID's policy requires exclusive branding and marking in USAID's direct acquisitions that use any source of funds, except as stated elsewhere in this ADS chapter (see Sections **320.3.2.5**, **320.3.2.6**, and **320.3.6**).

"Exclusive" means that contractors and sub-contractors must not use their corporate identities or logos on USAID-funded program materials (see Section **320.3.7** for details on the use of manufacturers' trademarks).

320.3.2.1 Branding Strategy for Contracts

Effective Date: 02/05/2020

The RO must develop a BS when preparing the requirement description (Statement of Work (SOW) or Statement of Objectives (SOO)) for a planned acquisition, including a Task Order under ordering instruments, such as indefinite-delivery/indefinite-quantity contracts or contracts under schedules maintained by the General Services Administration. The BS must identify the following:

- The name of the program, project, or activity;
- How the contractor will communicate sponsorship (*i.e.*, as "from the American People," "jointly sponsored" by USAID and the host-country government, or in some other way);
- How to maximize credit for the assistance provided by the American people through USAID; and
- Any other organization(s) (typically, host-country governments or other donors) to acknowledge.

Websites funded by USAID but created and managed by contractors should be marked with the USAID Identity, along with appropriate content disclaimers to reflect that USAID does not own or control such websites and is not responsible for their content.

320.3.2.2 Branding Implementation Plans for Contracts

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

Effective Date: 02/05/2020

Existing or prospective contractors develop a Branding Implementation Plan (BIP) to describe how they will promote a program to beneficiaries and host-country citizens. It outlines the events (press conferences, site visits, etc.) and materials (success stories, public-service announcements (PSAs), etc.) the contractor will organize and produce to communicate the funding for the program is from the American people.

As stated in Section **320.3.2.1**, the BS is part of USAID's requirements for contracts, so COs must ensure that the Agency's contract solicitations include a BS and instruct offerors to prepare a BIP to implement the BS. These instructions must require that BIPs specifically address the following:

- How to incorporate the message, "This assistance is from the American people," in communications and materials directed to beneficiaries, or provide an explanation if this message is not appropriate or possible;
- How to publicize the program, project, or activity in the host country and a description of the communication tools the contractor will use. Such tools can include the following:
 - Press releases;
 - Press conferences;
 - Media interviews;
 - Site visits;
 - Success stories;
 - Testimonials from beneficiaries;
 - Professional photography;
 - Public Service Announcements (PSAs);
 - Videos;
 - Webcasts;
 - E-invitations or group emails;
 - Social media; and
 - Other Internet activities, etc.
- The key milestones or opportunities anticipated to generate awareness that the program, project, or activity is from the American people, or an explanation for the reasons why branding and marking is not appropriate or possible:
 - Such milestones can be linked to specific points in time, such as the beginning or end of a program, or to specific opportunities, such as the publication of research findings or program successes.
 - Milestones can include, but are not limited to, the following:

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- Launching the program;
- Announcing research findings;
- Publishing reports or studies;
- Spotlighting trends;
- Securing endorsements from ministries or local non-governmental organizations; and
- Communicating the impact/overall results of the program.

320.3.2.3 Marking Plans for Contracts

Effective Date: 02/05/2020

Existing or prospective contractors develop a Marking Plan to ensure the proper marking of all items in accordance with this ADS chapter. All of USAID's direct contracts must incorporate a Marking Plan that details the public communications, commodities, program materials, and other items that will bear the USAID Identity in a visible way.

As stated in Section **320.3.2**, USAID's policy is that programs, projects, activities, public communications, and commodities implemented or delivered under contracts and sub-contracts exclusively funded by USAID are marked exclusively with the USAID Identity. Except for the manufacturer's trademark on a commercial item (see Section **320.3.7**), the corporate identities or logos of contractors or sub-contractors are not permitted on USAID-funded program materials and communications, unless specified in the [USAID Graphic Standards Manual and Partner Co-Branding Guide](#). Where appropriate, contractors may add a host-country symbol or ministry logo, or another U.S. Government logo or that of another donor that is funding the project.

Section **320.3.2.4** describes what the Marking Plan must address. Section **320.3.2.5** lists exceptions to marking requirements.

320.3.2.4 Requirements for Marking Plans for Contracts

Effective Date: 02/05/2020

Contracting Officers must ensure that Marking Plans incorporated in USAID direct contracts specifically address the following contract deliverables or performance requirements, as applicable:

- a. Grants under contracts (GUC): While prime contracts are exclusively branded and marked with the USAID Identity, grants under contract, when authorized in accordance with [ADS 302, USAID Direct Contracting](#), must be branded and marked like grants. In short, GUCs follow the same rules for branding and marking rules as assistance awards. This means that while a contractor may not use its logo or identity on project deliverables, the non-governmental organization (NGO), local government entity, or other local partner that is a recipient of a GUC may use its logo or other identity to "co-brand" and "co-mark" (see Section **320.3.3**). The contractor is responsible for including requirements for branding

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and marking for these grants in its Branding Implementation Plan and Marking Plan, as part of its overall responsibility for managing grants under its contract.

- b. USAID reserves the right to request pre-production review of USAID-funded public communications and program materials for compliance with USAID’s graphic standards and the approved Marking Plan.
- c. USAID reserves the right to provide guidance on USAID-funded social media communications which must be in compliance with [ADS 558, Use of Social Media for Public Engagement](#).

All of the above requirements are subject to USAID-approved exceptions (see Section **320.3.2.5**) and waivers (see Section **320.3.2.6**).

The [Branding and Marking Monitoring and Verification form](#) serves as a tool to assist the COR in monitoring compliance with marking requirements for contract.

320.3.2.5 Exceptions to Marking Requirements for Contracts

Effective Date: 02/05/2020

The following exceptions reflect USAID’s usual, non-emergency practices in not marking certain contract deliverables for programmatic reasons. The CO—in consultation with the Principal Officer, RO, GC/RLO, and DOCs at Missions or Bureau/Office Communications Officers for USAID/W-managed activities—may grant an exception to marking requirements, if marking of specifically identified contract deliverables would:

- a. Compromise the intrinsic independence or neutrality of a program or materials for which independence or neutrality is an inherent aspect. This includes, but is not limited to, the following:
 - Election-monitoring materials or ballots and voter information literature;
 - Support for political parties or advocacy for public policy or reform;
 - Support for independent media, such as television and radio broadcasts, and newspaper articles and editorials;
 - PSAs; and
 - Public-opinion polls and surveys;
- b. Diminish the credibility of audits, reports, analyses, studies, or policy recommendations whose data or findings must be seen as independent;

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- c. Undercut host-country government “ownership” of constitutions, laws, regulations, policies, studies, assessments, reports, publications, surveys, audits, PSAs, or other communications better positioned as “by” or “from” a ministry, organization, or government official;
- d. Impair the functionality of an item, such as sterilized equipment or spare parts;
- e. Incur inordinate costs or be impractical, such as items that are too small or otherwise unsuited for individual marking;
- f. Offend local cultural or social norms, or otherwise be considered inappropriate, such as marking condoms, toilets, bed pans, or similar commodities;
- g. Conflict with international law, such as the internationally recognized neutrality of the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, or other organizations; or
- h. Deter the achievement of programmatic goals, such as cooperating with other donors or ensuring the repayment of loans.

The CO’s determination that an exception does not apply is not subject to a separate appeal process by the contractor, but the normal procedures for awarding or administering a contract may address it. The Senior Advisor for Brand-Management in LPA can advise on determinations in the field if necessary to resolve disputes.

For funding, agreements, activities, and items (such as contractor’s or recipient’s offices, vehicles, and non-deliverable items) that are exempt from the requirements of this chapter, see Section **320.3.5**.

320.3.2.6 Waivers to Marking Requirements for Contracts

Effective Date: 03/15/2022

- a. USAID’s Principal Officers have the authority to waive, in whole or in part, the Agency’s marking requirements. A Principal Officer may not re-delegate this authority, but officials who are serving in an acting capacity may exercise it.

A Principal Officer must consult with the responsible Bureau/Office AA, the cognizant RLO/GC, and the cognizant CO/AO, and must seek clearance from the Agency’s Senior Advisor for Brand-Management in LPA, before approving a waiver. A Principal Officer may only grant a waiver upon determining that USAID-required markings would pose compelling political, safety, or security concerns, or that marking would have an adverse impact in the host country.

In truly exceptional circumstances, the Principal Officer may approve a blanket waiver by region or country. Such blanket waivers must include a compelling

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explanation of need. Through such a waiver, the Principal Officer may also authorize the removal of USAID markings already affixed, if circumstances warrant. The Principal Officer must seek Administrator concurrence prior to making a determination to issue a blanket waiver for a region or country.

When evaluating a request for a waiver from an implementing partner, the Administrator or a Principal Officer must adhere to the following principles:

- USAID marks programs, projects, activities, public communications and commodities;
- Waivers should be exceptional and rare; the strong presumption is that implementing partners will mark with the USAID Identity;
- Waivers must be targeted (e.g., to specific projects) whenever possible;
- Waivers must be time-limited and reviewed by the cognizant Principal Officer and the Agency's Senior Advisor for Brand-Management in LPA at least every six months;
- When there is a balance in considerations, USAID's policy is to err on the side of safety;
- When considering a waiver for safety or security concerns, a Principal Officer must consult with the Regional Security Officer (RSO) or Emergency Action Committee at the relevant U.S. Embassy or Embassies, if available;
- A Principal Officer must consider the same information that applies to determinations of the safety and security of U.S. Government employees in the host country, along with any information supplied by the contractor that is seeking the waiver;
- While compelling political, safety, or security considerations can arise suddenly, they do not do so in a vacuum; Principal Officers should consider the approach to branding and marking taken by other U.S. Government entities that are operating in the same area or context, as well as the approach used by other bilateral or multilateral donors, including strategic competitors;
- All considerations and consultations required as part of the waiver process, listed above, must be documented in the written justification included in the waiver request (see the [Marking Waiver Template](#) for the standard waiver format).

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- Principal Officers must not approve “default” waivers based on historical practices; any approved waiver must reflect current political, safety, and security circumstances; and
- Principal Officers should rescind waivers as soon as circumstances allow.

Whether initiated by contractors (see Section **320.3.2.6 b**), USAID staff, or Principal Officers, a request for a waiver must include a written justification that follows the standard waiver format (see [Marking Waiver Template](#)), which outlines the required clearances, specific considerations and criteria necessary to meet for approval of a waiver. All requests for waivers and amendments must use this format.

No marking that fits within the scope of a request for a waiver is required while the request is pending. Moreover, USAID’s implementing partners may remove the existing USAID Identity on USAID-funded property or other deliverables if there is a clear and present danger to persons or property, but must submit a waiver request as soon thereafter as possible.

Only the CO has the authority to inform a contractor of a decision on a waiver and to direct the contractor to comply with it. A decision on a waiver may constitute a change to the terms and conditions of a contract, and only the CO has the authority to issue a modification to the contract.

Once the Administrator or a Principal Officer has approved, amended, or rescinded a waiver, the Principal Officer must work with the CO to file the waiver, amendment, or rescission in ASIST (see the ASIST Filing Guidance), and must notify the cognizant Regional/Technical Bureaus and the Senior Advisor for Brand-Management in LPA of the approval, amendment, or rescission.

At least every six months, each Principal Officer must review existing waivers and notify the cognizant Regional/Technical Bureaus and the Senior Advisor for Brand-Management in LPA of the status of the waivers in a Note to the File, which the relevant COs must upload in ASIST (see the ASIST Filing Guidance). As emphasized above, Principal Officers should rescind waivers as soon as circumstances allow. See Section **320.3.2.6.c** for the policy directives and required procedures for rescinding a waiver.

Principal Officers should work with COs to fulfill the requirements for records-management, the required six-month review, and notifications of contractors that pertain to waivers.

- b.** USAID’s contractors may request a waiver of their Marking Plan, in whole or in part, through the CO; the COR then will assist the cognizant Principal Officer in processing the request. Because no marking that fits within the scope of a request

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for a waiver is required while the request is pending, the CO and COR must ensure that waiver requests reach the Principal Officer as soon as practicable. The CO must inform the contractor of the decision on a waiver in an equally timely manner. See Section **320.3.2.6.a** for details on the process and principles that govern the consideration by Principal Officers of requests for waivers.

- c. Approved waivers “flow down” to sub-contractors or recipients of GUCs, unless specified otherwise.
- d. Once a Principal Officer rescinds a waiver, the marking requirements in the Marking Plan apply going forward. The CO must notify the contractor in writing when a Principal Officer rescinds a waiver and explain the effect the rescission has on the terms of, or performance under, the contract, including whether or not the rescission of the waiver constitutes a modification.

Principal Officers must advise the cognizant Regional/Technical Bureaus and the Senior Advisor for Brand-Management in LPA, immediately upon rescinding a waiver. The cognizant CO must update the contract’s file in ASIST accordingly (see the ASIST Filing Guidance).

The Principal Officer may rescind a waiver after a contractor completes the activities under a contract but before the contract is closed out. The USAID Mission or Operating Unit with initial responsibility to administer the marking requirements must perform a cost/benefit analysis to determine whether to require USAID marking after the date of completion of the affected programs, projects, activities, or public communications, or the delivery of the commodities. This includes considering whether marking would require a modification or realignment of the contract’s budget. If the analysis supports applying the marking requirement, the CO must so notify the contractor.

- e. Determinations regarding waiver requests, including a Principal Officer’s decision to deny or rescind a waiver, are subject to appeal by the contractor in writing and submitted through the cognizant COR to the cognizant AA. In deciding the appeal, the AA must consult with the Senior Advisor for Brand-Management in LPA and follow the same standards, laid out in this section, that govern decisions by Principal Officers.

320.3.3 Requirements for Branding and Marking for Assistance Awards

Effective Date: 02/05/2020

USAID’s policy is that programs, projects, activities, public communications, or commodities implemented or delivered under assistance instruments—such as grants, cooperative agreements, or other assistance awards—generally are “co-branded and co-marked.” In accordance with Section 700.16 of Title 2 of the CFR, this policy applies

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to assistance awards even when the award does not require cost-sharing (see [ADS 303.3.10](#)).

Please note that while USAID requires exclusive USAID branding and marking for acquisition awards, and co-branding with the assistance recipient for assistance awards, USAID generally manages branding and marking in a similar manner for all U.S. foreign assistance, to promote a consistent approach to branding and marking across all the Agency's programs and maintain a brand identity that they are "from the American People."

320.3.3.1 Co-Branding and Co-Marking for Assistance Awards

Effective Date: 02/05/2020

"Co-branding" and "co-marking" mean that the program, project, or activity marking represents both USAID and the implementing partner. The USAID Identity must appear on program materials produced for programmatic purposes with equivalent or greater size and prominence than the identity or logo of the implementing partner, a recipient, another donor, or any third party. Program materials include the examples set forth in Section 700.16 of Title 2 of the CFR 700.

The AO, after consulting with the Principal Officer and RO, may determine that a program's goals require that the USAID Identity be larger and more prominent, if USAID is the majority donor and the USAID-funded program, project, or activity is especially important to USAID.

A host-country symbol or ministry logo or other U.S. Government seal or logo may also be added, if applicable. See Section **320.3.5.1** on the use of an additional or substitute logo or seal and tagline to represent a presidential, or other high-level interagency Federal initiative.

Please see the [USAID Graphic Standards Manual and Partner Co-Branding Guide](#) for further information on co-branding.

320.3.3.2 Requirements for Branding and Marking for Specific Grants, Cooperative Agreements, or Other Assistance Awards

Effective Date: 02/05/2020

Requirements for marking assistance, including requests for presumptive exceptions and waivers for assistance awards, must comply both with this ADS chapter and Section 700 of Title 2 of the CFR, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. By policy, USAID requires non-U.S., non-governmental organizations, including non-governmental organizations in partner countries, to follow marking requirements for assistance awards as set forth in this ADS chapter and Section 700 of Title 2 of the CFR. AOs and the relevant RO(s), with support as needed from DOCs, Bureau/Office Communications Officers, and the Senior Advisor for Brand-Management in LPA, are responsible for ensuring that

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Apparently Successful Applicants and recipients are familiar with the Agency's requirements for branding and marking.

Whether in connection with a competitive award, an unsolicited proposal, or other non-competitive award, every Apparently Successful Applicant must submit a Branding Strategy and Marking Plan (see Section **320.3.1.4** regarding adding incremental funding to existing awards). The Marking Plan may include requests for the AO to approve presumptive exceptions (see Section 700.16 [g-h] of Title 2 of the CFR). A determination by an AO before the Agency makes an award that none of the presumptive exceptions applies is not subject to a separate appeal process, but the normal procedures for awarding or administering a grant may address it. A determination by an AO after the Agency makes an award that a presumptive exception does not apply is subject to the appeals process in Section 700 of Title 2 of the CFR.

The [Branding and Marking Monitoring and Verification form](#) serves as a tool to assist AORs in monitoring implementing partners' compliance with marking requirements.

320.3.3.3 Waivers to the Requirements for Marking for Assistance Awards

Effective Date: 02/05/2020

- a. Section 700.16 of Title 2 of the CFR and this ADS chapter govern waivers of the requirements for marking in assistance awards. Principal Officers have the authority to waive, in whole or in part, USAID's requirements for marking in assistance awards. The same procedures and principles in Section **320.3.2.6** that govern waivers in acquisition apply to waivers in assistance: substituting, for example, "AO" and "AOR", for "CO" and "COR"; "award" for "contract"; "Apparently Successful Applicant or recipient" for "contractor"; and "sub-awardee" for "subcontractor", with the following exceptions and additions:
- If an implementing partner intends to mark with its own logo, the strong presumption is that marking with the USAID Identity is also required. In granting a waiver, the Principal Officer may require the Apparently Successful Applicant or recipient to forego marking not only with the USAID Identity but also with the applicant's or recipient's own logo.
 - Under 2 CFR 700.16(j)(1), "waivers are not limited in duration but are subject to Principal Officer review at any time due to changed circumstances." At least every six months, each Principal Officer must review existing waivers and notify cognizant Regional/Technical Bureaus and the Senior Advisor for Brand-Management in LPA of the status of the waivers in a Note to the File to include in ASIST (see the ASIST filing guidance). Principal Officers should rescind waivers as soon as circumstances allow.

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In truly exceptional circumstances, the Principal Officer may approve a blanket waiver by region or country. Such blanket waivers must include a compelling explanation of need. Through such a waiver, the Principal Officer may also authorize the removal of USAID markings already affixed, if circumstances warrant. The Principal Officer must seek Administrator concurrence prior to making a determination to issue a blanket waiver for a region or country.

320.3.4 Requirements for Branding and Marking for Other Types of Implementation Mechanisms

Effective Date: 02/05/2020

This section provides policy on the requirements for branding and marking that apply to implementing mechanisms other than USAID direct contracts ([ADS Chapter 302](#)) and assistance awards ([ADS Chapter 303](#)).

320.3.4.1 Presidential Initiatives and Interagency Federal Initiatives Implemented Solely with USAID's Funding

Effective Date: 02/05/2020

In exceptional circumstances, upon a written determination by the Administrator, USAID may authorize the use of an additional or substitute logo or seal and tagline to represent a presidential initiative or other high-level interagency Federal initiative that requires consistent and uniform branding and marking by all participating departments and agencies (see Section 700.1 of Title 2 of the CFR , USAID Identity).

LPA and the relevant RLO/GC must clear all such proposed determinations before an Operating Unit routes them to the Administrator via the cognizant AA. The Administrator must provide prior, written approval before any use of an additional or substitute logo for a presidential or high-level interagency Federal initiative. The determination must include the appropriate Graphic Standards Manual to be used as guidance for the branding, marking, and naming of projects related to the specific initiative. LPA must ensure that the amended USAID Identity and reference to relevant Graphic Standards Manual(s) is available on the USAID website at <http://www.usaid.gov/branding>. The RO must inform the CO/AO of any written determinations made by the Administrator, and the CO/AO must incorporate the substitute or additional branding and marking standards in the solicitation and resulting award and the award's file in ASIST.

320.3.4.2 Programs, Projects, or Activities Funded through Agreements between USAID and Other Participating U.S. Government Departments and Agencies or Other Donors

Effective Date: 02/05/2020

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USAID’s policy is that programs, projects, activities, public communications, or commodities implemented or delivered in cooperation with other U.S. Government agencies or other donors are “co-branded and co-marked” as follows:

- a. Projects funded in whole or in part by, or implemented in whole or in part, through participating U.S. Government Departments or Agencies (such as the Office of the Global AIDS Coordinator at the U.S. Department of State or the Millennium Challenge Corporation) must be co-branded and marked appropriately, in accordance with the terms of the applicable interagency agreement. See [ADS Chapter 306, Interagency Agreements](#) for the policy directives and required procedures for Interagency Agreements.
- b. Projects jointly funded by USAID and Global Development Alliance partners, multilateral donors, or bilateral donors, such as the Department for International Development of the United Kingdom, must be co-branded and co-marked. USAID’s Missions and Operating Units should address requirements for branding and marking in the overall project agreement with co-donors. Missions and Operating Units should ensure that the USAID Identity appears on programs, projects, activities, public communications, or commodities with equivalent or greater size and prominence than any other donor’s identity or logo. Missions and Operating Units can customize this requirement to represent the relative contributions of the donor(s) or to achieve programmatic goals.
- c. In case of any inconsistency, the terms and conditions of the specific agreements take precedence over the requirements of this section.

320.3.4.3 Bilateral Agreements: Brand and Mark Appropriately

Effective Date: 02/05/2020

Framework Bilateral Agreements establish the terms and conditions under which the United States provides foreign assistance in many partner countries (see [ADS Chapter 349, International Agreements](#)). Newly negotiated or renegotiated Framework Bilateral Agreements must include a provision that describes the appropriate use of USAID’s branding and marking in implementing instruments under the bilateral agreement with the host government. In the absence of a provision on branding and marking in an existing Framework Bilateral Agreement, Missions and Operating Units should consult with Mission DOCs, the relevant RLO/GC, and the Senior Advisor for Brand-Management in LPA on how to brand and mark bilateral programs.

In addition, newly negotiated or renegotiated bilateral implementing agreements, including those listed below, that implement specific USAID-funded programs, projects, or activities in a partner country, must also provide for the appropriate use of USAID branding and marking.

“Appropriate use” typically means showcasing a program as a partnership, with both the USAID Identity and the identity or logo of a partner government of an equal size and

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prominence. In some cases, the provision for branding and marking in a bilateral agreement may allow for the identity or logo either of USAID or the host-country government to be larger and more prominent, depending on programmatic needs and the impact any adjustment will have on bilateral relations, as determined by the Principal Officer. With the concurrence of the Senior Advisor for Brand-Management in LPA, the Principal Officer may waive marking requirements in bilateral agreements for compelling political, safety, or security concerns, or because marking would have an adverse impact in the partner country.

The requirements in a bilateral implementing agreement apply to all programs, projects, activities, public communications, and commodities implemented through the following:

- a. Host-country contracts ([ADS Chapter 305, Host Country Contracts](#));
- b. USAID direct contracts ([ADS Chapter 302, USAID Direct Contracting](#)) financed by the bilateral agreement;
- c. Grants or cooperative agreements to non-governmental organizations ([ADS Chapter 303, Grants and Cooperative Agreements to Non-Governmental Organizations](#)) financed by the bilateral agreement;
- d. Development Objective Grant Agreements (DOAGs) and Limited-Scope Grant Agreements (LSGAs) (see [ADS Chapter 350, Grants to Foreign Governments](#)); and
- e. Other implementing instruments financed by the bilateral agreement (see [ADS 201, Program Cycle Operational Policy](#)).

In case of any inconsistency, the terms and conditions of the specific implementing instrument take precedence over the requirements of this section.

320.3.4.4 Commodity-Import Projects (CIPs)

Effective Date: 02/05/2020

Commodities imported under CIPs must be marked in accordance with the requirements of this ADS chapter.

320.3.4.5 USAID's Loan Programs

Effective Date: 02/05/2020

Materials for loan programs with medium and small firms and microenterprises must be marked with the USAID Identity, but only to the extent that such marking does not deter programmatic goals, such as ensuring the repayment of guaranteed loans (see Section **320.3.2.5h**). The Activity Manager/RO in the Mission or Operating Unit that is providing funding for the loan program must determine whether or not the above exception to

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requirements for marking applies at the time of obligation of funds and include the relevant guidance in the loan's documentation.

320.3.4.6 Food for Peace (FFP) Act

Effective Date: 06/18/2020

Food assistance authorized by the Food for Peace Act (7 U.S.C. 1691 *et seq.*) must be marked in accordance with Section 211 of Title 22 of the CFR and this ADS chapter.

320.3.5 Non-Applicability

Effective Date: 02/05/2020

This chapter does not apply to the following:

- a. Ocean Freight Reimbursement, defined as shipments of supplies by Private Voluntary Organizations (PVOs), when USAID is not financing the supplies and is only reimbursing a PVO for transportation costs;
- b. Agreements with Public International Organizations, unless USAID is the sole donor that is funding a specific program, project, or activity of a PIO, or in cases in which USAID or other bilateral donors have negotiated marking privileges (see Section **320.3.3.1**);
- c. Activities funded under Section 316 of the International Security and Development Cooperation Act of 1980;
- d. Activities of USAID's implementing partners in the United States, unless the program, project, activity, public communication, or commodity being delivered in the United States is a component of a program being implemented overseas and for which USAID has approved a Marking Plan, in which case marking is required for the U.S.-based activity:
 - An example of a domestic activity that might be subject to marking requirements is the training of program participants in the United States; and
- e. The offices, vehicles, or non-deliverable items of contractors or recipients of funding from USAID, such as office supplies used primarily for administration of a USAID-funded program (see Section 700 of Title 2 of the CFR).

320.3.6 USAID's Identity

Effective Date: 02/05/2020

All use and reproduction of the USAID Identity must comply with the design guidelines in the [USAID Graphic Standards Manual and Partner Co-Branding Guide](#).

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

The USAID Identity is the trademark, by commercial usage, of USAID. The Agency provides it without royalty, license, or other fee to organizations required to use the USAID Identity, in accordance with this ADS chapter and the terms of their funding awards. Unauthorized use of the USAID Identity is prohibited. Please inform USAID/GC and the Agency Senior Advisor for Brand-Management in LPA of any unauthorized use of the USAID Identity.

Use of the USAID Identity is not intended to supplant the use of a previous, legally registered trademark or copyright on any commodity procured with USAID's funding, such as a manufacturer's trademark on computer hardware or software purchased with USAID's funds. In such instances, the manufacturer's mark may be used along with the USAID Identity (see **320.3.2.3** and **320.3.2.4**). In all cases, the provisions of specific contracts, grants, and other implementing instruments prevail.

320.3.6.1 Design, Size, Placement, and Proportion

Effective Date: 02/05/2020

The USAID Identity must conform in design, size, placement, and proportion to the guidance and examples provided in the [USAID Graphic Standards Manual and Partner Co-Branding Guide](#).

320.3.6.2 Obtaining the USAID Identity

Effective Date: 02/05/2020

USAID's contractors, recipients, or other implementing partners may obtain the USAID Identity and information about suggested suppliers of USAID Identity labels from USAID's website at <http://www.usaid.gov/branding>.

320.3.6.3 Costs of Branding and Marking

Effective Date: 02/05/2020

Costs of branding and marking to reflect funding from USAID are eligible for financing in the implementing instruments included in this ADS chapter, if the costs are reasonable, allocable, and allowable in accordance with applicable cost principles. Implementing partners normally should include such costs in their Total Estimated Cost or bid/offer price.

320.3.7 Noncompliance

Effective Date: 02/05/2020

If USAID implementing partners do not comply with the requirements for marking laid out in this ADS chapter, the CO/AO, after consulting as needed with the relevant RLO or GC, must initiate corrective action. In minor cases, corrective action can involve informing the host-country government, contractor, recipient, or other USAID partner of the instances of noncompliance and insisting on compliance with the requirements set forth in the applicable agreement. Major or chronic noncompliance with the BS, BIP,

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Marking Plan, or other requirements for marking will trigger remedies available to USAID under the specific provisions of the relevant contract or assistance award, or other USAID-funded award (for cases of noncompliance with requirements for marking under assistance awards, see Section 700.16 of Title 2 of the CFR).

320.3.8 Audit of Requirements for Marking

Effective Date: 02/05/2020

Requirements for marking, like other provisions of USAID awards, are subject to audit by the Office of the USAID Inspector General.

320.4 MANDATORY REFERENCES

320.4.1 External Mandatory References

Effective Date: 11/03/2020

- a. [2 CFR 700](#)
- b. [22 CFR 201, Rules and Procedures Applicable to Commodity Transactions Financed by AID](#)
- c. [22 CFR 211, Transfer of Food Commodities for Food Use in Disaster Relief, Economic Development, and Other Assistance](#)
- d. [International Security and Development Cooperation Act of 1980, section 316](#)
- e. [Public Law 480, Section 202](#) (authority for marking Food For Peace (FFP) Act)

320.4.2 Internal Mandatory References

Effective Date: 02/05/2020

- a. [ADS 201, Program Cycle Operational Policy](#)
- b. [ADS 300, Agency Acquisition and Assistance \(A&A\) Planning](#)
- c. [ADS 302, USAID Direct Contracting](#)
- d. [ADS 303, Grants and Cooperative Agreements to Non-Governmental Organizations](#)
- e. [ADS 305, Host Country Contracts](#)
- f. [ADS 306, Interagency Agreements](#)
- g. [ADS 320maa, Marking Waiver Template](#)

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- h. [ADS 349, International Agreements](#)
- i. [ADS 350, Grants to Foreign Governments](#)
- j. [ADS 512, Agency Printing and Graphics Services](#)
- k. [ADS 557, Public Information](#)
- l. [ADS 558, Use of Social Media for Public Engagement](#)
- m. “Branding and Marking in USAID Direct Contracting” (Reserved)
- n. [USAID Graphic Standards Manual and Partner Co-Branding Guide](#)
- o. [USAID Identity](#)

320.5 **ADDITIONAL HELP**
Effective Date: 02/05/2020

- a. [ADS 320sab, Branding and Marking—Monitoring and Verification Form](#)
- b. [ADS 320sac, Post Disaster Response Branding and Communications Guide](#)

320.6 **DEFINITIONS**
Effective Date: 11/03/2020

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

Apparently Successful Applicant(s)

The applicant(s) for USAID funding recommended for an award after technical evaluation, but who has not yet been awarded a grant, cooperative agreement, or other assistance award by the Agreement Officer. Apparently successful applicant status confers no right and constitutes no USAID commitment to an award, which still must be executed by the Agreement Officer. (**Chapter 320**)

Blanket Waiver

A waiver to marking requirements for all awards under a Principal Officer's authority in a given country. Principal Officers of regional missions may also utilize a blanket waiver for regional activities. Blanket waivers are reserved for truly exceptional circumstances and must include a compelling explanation of need. (**Chapter 320**)

Branding

The naming of a program, project, or activity as well as how USAID’s sponsorship of the program, project, or activity is communicated. (**Chapter 320**)

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

Branding Implementation Plan

A Branding Implementation Plan, developed by contractors, describes how sponsorship of the program will be communicated to beneficiaries and promoted to host-country citizens; it outlines the events and materials the contractor will use to deliver the message that the assistance is from the American people. (**Chapter 320**)

Branding Strategy

A Branding Strategy, developed in the case of a contract award by the Development Objective Team or Requesting Office, or in the case of an assistance award by the Apparently Successful Applicant, describes how the program, project, or activity is named and positioned (*i.e.*, as “from the American People,” “jointly sponsored” by USAID and the host-country government or assistance implementing partner, or some other way), as well as how it is promoted and communicated to beneficiaries and cooperating country citizens. It identifies all donors and explains how they will be acknowledged. It includes the desired level of visibility and the communications tools used to publicize the aid as from the American people. (**Chapter 320**)

Graphic Standards Manual

USAID-produced publication that is provided free of charge to recipients of USAID-funded contracts or other acquisition awards or subawards that details marking practices and provides examples of USAID-funded programs, projects, activities, public communications, and commodities marked with the USAID Identity. In exceptional cases related to presidential or other high-level initiatives that have received clearance from LPA and GC/RLO and Administrator approval for an alternative logo, the appropriate Graphic Standards Manual must be shared and used as guidance for branding, marking, and project naming related to the specific initiative. (**Chapter 320**)

Marking

Affixing the USAID Identity or other approved logos to program, project, or activity “deliverables” (for example, project signage). Marking communicates USAID’s financial and/or technical support for the provision of the deliverables. (**Chapter 320**)

Marking Plan

A plan that USAID implementing partners provide, detailing the public communications, commodities, program materials, and other items that will visibly bear or be marked with the USAID Identity. It also requests any exceptions to marking. (**Chapter 320**)

Partner

An organization or individual with which/whom the Agency collaborates to achieve mutually agreed upon objectives and to secure the participation of ultimate customers. Partners include host-country governments, private voluntary organizations, indigenous and international non-governmental organizations (NGOs), universities, other U.S. Government agencies, the United Nations and other multilateral organizations, professional and business associations, and private businesses and individuals. (**Chapters [101](#), [201](#), [320](#)**)

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Principal Officers

The most senior officer in a USAID Operating Unit in the field, e.g., USAID Mission Director or the USAID Senior Development Advisor or USAID Representative, if properly designated by the cognizant Regional Assistant Administrator pursuant to **ADS 102**. Principal Officers also include the AtA/BHA and the CPS/OTI Director when those offices are implementing emergency disaster relief and assistance to internally displaced persons, humanitarian emergencies, or immediate post-conflict and political crisis response in a cooperating country. For non-presence countries, the cognizant Principal Officer is the Senior USAID officer in a regional USAID Operating Unit responsible for the non-presence country, or in the absence of such a responsible Operating Unit, the Principal U.S Diplomatic Officer in the non-presence country exercising delegated authority from USAID. (**Chapter 320**)

Public Communications

Documents and messages intended for distribution to audiences external to the recipient's organization. They include, but are not limited to, correspondence, publications, studies, reports, audio visual productions, and other informational products; applications, forms, press and promotional materials used in connection with USAID-funded programs, projects, or activities, including signage and plaques; websites/Internet activities; and events such as training courses, conferences, seminars, press conferences, and the like. (**Chapter 320**)

USAID Standard Graphic Identity or USAID Identity

Official marking for the United States Agency for International Development (USAID) comprised of the USAID seal and landmark with the tagline that clearly communicates our assistance is "from the American people." In exceptional circumstances, upon a written determination by the USAID Administrator, the definition of the USAID Identity may be amended to include additional or substitute use of a logo or seal and tagline representing a presidential initiative or other high-level interagency Federal initiative that requires consistent and uniform branding and marking by all participating agencies. The USAID Identity (including any required presidential initiative or related identity) is available on the USAID website at <http://www.usaid.gov/branding> and is provided without royalty, license, or other fee to recipients of USAID-funded grants or cooperative agreements or other assistance awards. (**Chapter 320**)

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