Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance  Issued: April 7, 2022

AAPD 20-01 Revision 1

USAID Requirements for Conference Planning and Required Approvals

(AIDAR Deviation No. M-OAA-DEV-AIDAR-22-05c)

Subject Category: Acquisition Management
Type: POLICY

AAPDs provide information of significance to all agency personnel and partners involved in the Acquisition and Assistance process. Information includes (but is not limited to): advance notification of changes in acquisition or assistance regulations; reminders; procedures; and general information. Also, AAPDs may be used to implement new requirements on short-notice, pending formal amendment of acquisition or assistance regulations.

AAPDs are EFFECTIVE AS OF THE ISSUED DATE unless otherwise noted in the guidance below; the directives remain in effect until this office issues a notice of cancellation.

This AAPD: ☐ Is New  ☑ Replaces/X Amends

Applicable to:
☒ Existing awards; ☐ Modification required
  ☐ No later than
  ☒ As noted in guidance below*
☒ RFPs/RFAs issued on or after the effective date of this AAPD; all other Pending Awards, i.e., 8(a), sole source, IQC
☐ Other

Precedes change to:
☐ FAR Part(s)
☒ AIDAR Part(s) 731.205-43 and 752.231-72
☐ USAID Automated Directives System (ADS) Chapter
☐ Other Code of Federal Regulations
☐ Other
☐ No change to regulations

☒ New Provision/Clause Provided Herein: If checked, scheduled update to GLAAS: TBD

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Luis Rivera
Acting Director, M/OAA
I. PURPOSE:
The purpose of this AAPD Revision 1 is to inform Acquisition and Assistance professionals of the issuance of revisions to the AIDAR Section 731.205-43 and clause at 752.231-72, Conference Planning and Required Approvals, following approval of a revised class deviation #M-OAA-DEV-AIDAR-22-05c. AAPD 20-01 was originally approved on April 10, 2020 for a two-year period. This Revision 1 amends the content of the original AAPD with minor changes as outlined in Section III below.

Effective Date: This revised AAPD and the class deviation (#M-OAA-DEV-AIDAR-22-05c) will remain in effect for two years from the date of the signature unless rescinded, extended, or the AIDAR is formally revised through rulemaking, whichever occurs first.

II. ACTION:
Solicitations and Resulting Contracts:
COs must include the revised clause at 752.231-72 in all USAID-funded solicitations and resulting contracts anticipated to include a requirement for a USAID-funded conference.

Modification of Existing Contracts:
For awards that contain the clause 752.231-72, COs are encouraged to replace it with the revised clause when executing the next contract modification, especially for those contracts where the contractor personnel are provided with routine physical or logistical access to USAID facilities and systems. The revised clause removes the required USAID approval for conferences for high policy meetings.

III. BACKGROUND:
To strengthen visibility and oversight of conference activities and reduce the risk of unnecessary spending, USAID made several revisions to the conference planning policies in ADS 580. More specifically, on November 3, 2017, USAID published revisions to ADS 580 which changed prior approval requirements to need Agency approval when 10 or more USAID employees attended a USAID-sponsored conference. This reduced the number of USAID employees attending a conference that triggers the prior approval requirement from twenty to ten. The ADS revision also expanded the definition of a conference by removing the limitation based on the temporary duty travel of USAID employees. With that change, contractors needed to obtain prior USAID approval for a USAID-funded conference attended by USAID employee(s) with the net USAID conference expense in excess of $100,000.

The clause in the original class deviation, implemented in AAPD 20-01, imposed the requirement for Agency approval for USAID employees and institutional support contractors to attend:
1) A high-profile policy meeting sponsored by a multilateral organization, or
2) An operational or technical meeting with representatives of multilateral organizations when the purpose of the meeting is to discuss USAID-funded programs and activities, and temporary duty travel is necessary to attend the meeting.

This requirement was eliminated when the policy in ADS 580 was last revised in February 2021 and is the reason for this class deviation. Agency policy no longer imposes additional approval restrictions on meetings involving multilateral organizations.

As explained in the original AAPD, the policy was changed on August 23, 2019, to exclude co-creation meetings and single courses conducted at a U.S. Government training facility from the conference approval requirements in ADS 580. This policy is still in effect.
III. POINT OF CONTACT:

USAID Contracting Officers may direct their questions about this AAPD to “Ask M/OAA Policy”.
731.205-43 Trade, business, technical and professional activity costs—USAID conference approval requirements.
(M/OAA-DEV-AIDAR-22-05c)

731.205-43 Trade, business, technical and professional activity costs—USAID conference approval requirements.

(a) Definitions. As used in this section—

Conference means a seminar, meeting, retreat, symposium, workshop, training activity or other such event that is funded in whole or in part by USAID.

Net conference expense means the total conference expenses excluding:
any fees or revenue received by the Agency through the conference,
costs to ensure the safety of attending governmental officials, and
salary of USAID employees and USAID personal services contractors.

Personal Services Contractor (PSC) means any individual who is awarded a personal services contract in accordance with AIDAR Appendices D or J.

Temporary duty (TDY) travel means official travel at least fifty (50) miles from both the traveler’s home and duty station for a period exceeding twelve (12) hours.

USAID employee means a USAID direct-hire employee or a direct-hire federal employee from another U.S. government agency detailed to USAID.
(b) Prior Approval. USAID policy requires contractors to obtain contracting officer approval of the following, unless an exception in paragraph (c) of the clause at 752.231-72 applies:

(1) A conference funded in whole, or in part, by USAID when ten (10) or more USAID employees or personal services contractors are required to travel on temporary duty status to attend the conference; or

(2) A conference funded in whole, or in part, by USAID when the net conference expense funded by USAID is expected to exceed $100,000, regardless of the number of USAID employees or USAID personal services contractors who will participate in the conference.

(c) Allowability of Cost. Costs associated with a conference that meets the criteria above, incurred without USAID prior written approval, are unallowable.

(d) Solicitation Provision and Contract Clause. Contracting officers must insert the clause at 752.231-72 in all USAID-funded solicitations and contracts anticipated to include a requirement for a USAID-funded conference.

752.231-72 Conference planning and required approval.
(M/OAA-DEV-AIDAR-22-05c).

752.231-72 Conference planning and required approval

As prescribed in (48 CFR) AIDAR 731.205-43(d), insert the following clause in section H of all USAID-funded solicitations and contracts anticipated to include a requirement for a USAID-funded conference.
Conference Planning and Required Approval (Date TBD)

(a) Definitions. As used in this section —

Conference means a seminar, meeting, retreat, symposium, workshop, training activity or other such event that is funded in whole or in part by USAID.

Net conference expense means the total conference expenses excluding: any fees or revenue received by the Agency through the conference, costs to ensure the safety of attending governmental officials, and salary of USAID employees and USAID personal services contractors.

Personal Services Contractor (PSC) means any individual who is awarded a personal services contract in accordance with AIDAR Appendices D or J.

Temporary duty (TDY) travel means official travel at least fifty (50) miles from both the traveler’s home and duty station for a period exceeding twelve (12) hours.

USAID employee means a USAID direct-hire employee or a direct-hire federal employee from another U.S. government agency detailed to USAID.

(b) Prior Approval. Unless an exception in paragraph (c) applies, the Contractor must obtain prior written approval from the contracting officer at least 30 days prior to committing costs, for the following:

(1) A conference funded in whole or in part by USAID when ten (10) or more USAID employees or Personal Services Contractors are required to travel on temporary duty status to attend the conference; or
(2) A conference funded in whole or in part by USAID and attended by USAID employees or USAID Personal Services Contractors, when the net conference expense funded by USAID is expected to exceed $100,000, regardless of the number of USAID participants.

(c) Exceptions. Prior USAID approval is not required for the following:

(1) Co-creation conferences to facilitate the design of programs or procurements.

(2) Events funded and scheduled by the Center for Professional Development within the USAID Office of Human Capital and Talent Management.

(3) A single course presented by an instructor conducted at a U.S. Government training facility (including the Washington Learning Center or other USAID training facilities), a commercial training facility, or other venue if a U.S. Government training facility is not available.

(4) Conferences conducted at a U.S. Government facility or other venue not paid directly or indirectly by USAID, when travel of USAID employees or USAID Personal Services Contractors, light refreshments and, if applicable, costs associated with participation of the contractor’s staff are the only direct costs associated with the event.

(d) Allowability of Cost. Costs associated with a conference that meet the criteria above, incurred without USAID prior written approval, are unallowable.
(e) **Post-Award.** Conferences approved at the time of award will be incorporated into the contract. The contractor must submit subsequent requests for approval of conferences on a case-by-case basis, or requests for multiple conferences may be submitted at one time.

(f) **Documentation.** Requests for approval of a conference that meets the criteria in paragraphs (b) of this section must include:

1. A brief summary of the proposed event;
2. A justification for the conference and alternatives considered, e.g., teleconferencing and video-conferencing;
3. The estimated budget by line item (e.g., travel and per diem, venue, facilitators, meals, equipment, printing, access fees, ground transportation);
4. A list of USAID employees or PSCs attending and a justification for each, and the number of other USAID-funded participants (e.g., contractor personnel);
5. A cost comparison for at least three potential venues (including a U.S. Government owned or leased facility) and a justification if the lowest cost facility is not selected;
6. If meals will be provided to local USAID employees or PSCs (a local employee would not be in travel status), a statement on whether the meals are a necessary expense to support the conference objectives; and
7. A statement signed by an employee of the Contractor with authority to bind the Contractor, confirming that strict fiscal
responsibility has been exercised in making decisions regarding conference expenditures, the proposed costs are comprehensive and represent the greatest cost advantage to the U.S. Government, and that the proposed conference representation has been limited to the minimum number necessary to support the conference objectives.

(End of clause)