



USAID
FROM THE AMERICAN PEOPLE

USAID PROCUREMENT EXECUTIVE

PROCUREMENT EXECUTIVE'S BULLETIN NO. 2016-01

SUBJECT: Trafficking in Persons Guidance for Assistance

1. SCOPE:

This Bulletin applies to all USAID Agreement Officers (AOs) and A&A staff worldwide.

2. PURPOSE:

The purpose of this PEB is to provide guidance to Agreement Officers and A&A staff concerning the implementation of the new Trafficking in Persons (TIP) prohibitions and requirements. ADS 303 was revised in July 2015 to include a new trafficking in persons mandatory standard provision for use in all new solicitations and awards. The April 2016 revision of ADS 303 includes additional guidance for Agreement Officers and A&A staff and revises the TIP certification and the TIP mandatory standard provisions.

3. BACKGROUND:

The United States has long had a policy prohibiting U.S. Government employees and contractor and recipient personnel from engaging in trafficking in persons activities. Title XVII, entitled "Ending Trafficking in Government Contracting," of the 2013 National Defense Authorization Act (NDAA), enacted Jan. 2, 2013, greatly expanded the list of trafficking prohibitions and created a stronger framework to eliminate trafficking in persons activities in federal acquisition and assistance. The revised ADS 303 chapter and standard provisions implement the strengthened trafficking prohibitions contained in the 2013 NDAA.

4. DISCUSSION:

- a) **Trafficking Prohibitions.** The trafficking in persons prohibitions are listed in the mandatory standard provision, titled "Trafficking in Persons" found in the ADS 303 standard provisions. This provision is applicable to both U.S. and Non-U.S. recipients.
- b) **Certification Requirement and Compliance Plan.** In addition to the revised trafficking provision, the 2013 NDAA includes a special requirement if the estimated value of the services required to be performed under the award outside the United States exceeds \$500,000. For those awards, the apparently successful applicant must submit to the AO the certification "Certification Regarding to the Trafficking in Persons" before the award can be made. The certification is found in the Mandatory Reference ADS 303mav

“Certifications, Assurances, Other Statements of the Recipient.” The certification must also be submitted to the AO annually during the performance period of the award.

The certification requires the applicant to certify that it has implemented a compliance plan to prevent prohibited trafficking activities. The minimum requirements of the compliance plan are found in the mandatory standard provision. Compliance plans must be appropriate to the size and complexity of the assistance award and the nature and scope of its activities, including the number of non-U.S. citizens expected to be employed.

Important: The recipient is not required to submit the trafficking compliance plan to the AO, unless requested by the AO.

5. AGREEMENT OFFICER RESPONSIBILITIES:

- a) AOs should read and **become familiar** with all of the requirements in the revised TIP Mandatory Standard Provision and the Certification requirements and TIP policy found in ADS 303.3.32.
- b) AOs must ensure that the revised TIP standard provision is incorporated into all solicitations, awards, and substantial amendments issued on or after July 22, 2015 (the date the revised TIP standard provision was originally published). Substantial amendments include any amendment that increases the period of performance of the award, increases the total program amount or expands the current program. If a substantial amendment is not anticipated, at the discretion of the AO and the recipient, current awards may still be bilaterally amended to incorporate the standard provision.
- c) AOs must ensure that the new TIP certification is included in all Notice of Funding Opportunities issued on or after July 22, 2015 (the date the new TIP requirements were originally published), in which the estimated value of the services required to be performed outside the United States exceeds \$500,000. In the event the original award does not exceed the threshold, but a subsequent amendment, coupled with the original award exceeds the \$500,000 threshold, the TIP certification must be incorporated in such amendment. At the discretion of the AO and the recipient, current awards in which the estimated value of the services to be performed outside the United States exceeds \$500,000, may be bilaterally amended to incorporate this certification.
- d) When issuing new Associate Awards under Leader with Associate Awards, if the estimated value of the services to be performed outside the United States exceeds \$500,000, AOs must ensure that they receive the TIP certification from the applicant, in addition to the applicant’s affirmation of certifications. AOs must also include all mandatory standard provisions, including the revised TIP standard provision, in the associate award.
- e) **VERY IMPORTANT:** As noted earlier, before signing an award in which the estimated value of the services required to be performed under the award outside the United States

