



## **AAPD 03-06 Expedited Acquisition and Assistance Procedures for Afghanistan**

### **PURPOSE:**

The purpose of this AAPD is

- 1) To inform USAID contracting staff that the Administrator has approved an Action Memorandum entitled “Expedited Acquisition and Assistance Procedures for Activities and Programs in Response to the Afghanistan Crisis,” effective until February 15, 2004; and
- 2) To provide implementation guidance for using the various waivers and exceptions approved by the Administrator to facilitate and expedite implementation of programs and activities in Afghanistan undertaken under the policy-setting and operational guidance of the Bureau for Asia and the Near East.

### **BACKGROUND:**

The Administrator, in the Action Memorandum (Attachment 1), approved the following recommendations:

- A. Approval of Obligations Not Covered by Existing Strategic Objectives (SOs).
- B. Grants and Cooperative Agreements—Authorization For Other Than Fully Competitive Procedures.
- C. Procurement of Goods and Services—Authorization For Other Than Full and Open Competition.
- D. Source, Origin, and Nationality Blanket Waiver.

The Action Memorandum (extended on January 15, 2003) contains the Issue for Decision, the Essential Factors, a list of Recommendations, and the Administrator’s Determination and Finding Regarding Expedited Procurement Procedures for USAID Programs and Activities in Afghanistan within the initial mandate of the Central Asia Task Force (CATF) and the CATF’s successor, the Bureau for Asia and the Near East (ANE). The waivers approved by the Administrator in that Action Memorandum are available to, and may be exercised by, the ANE Bureau and those operating entities implementing programs and activities in Afghanistan that were initiated under the original mandate of the CATF or its successor organizations. Please read Attachment 1 very carefully and be familiar with its contents.

Note that the list of actions recommended and encouraged to be pursued in such acquisition and assistance includes making maximum use of wholesale instruments, such as grants-under-contracts (with the authorized dollar amount of grants increased to an appropriate amount), umbrella grants, leader/associate assistance instruments, indefinite quantity contracts, and other arrangements designed to provide fast-track assistance and contracting.

The appropriate implementation of other actions on the above list, as well as the intended increase to the dollar amount of grants, is being considered separately. We will provide you with guidance when available.

## GUIDANCE

**Applicability:** The authorities approved in the attached Action Memorandum are available for use for acquisition and assistance (A&A) actions carried out by USAID in response to the crisis in Afghanistan only. The coordinating and operating role of the ANE Bureau, as the successor to the CATF, is set forth in the Administrator's Executive Message of June 6, 2002 (Attachment 2). The ANE Bureau has determined that any USAID operating unit approving activities for Afghanistan may apply its existing activity approval authorities in order to use the expedited procedures. (See ADS 201, Programming Policy, for activity approval documentation requirements, and ADS 103 for Delegations of Authority.) However, the operating unit must ensure that the following statement, or a statement substantially the same as the following, is incorporated into the request to the pertinent Contracting Officer (CO) or Agreement Officer (AO). The operating unit must specify which Recommendation(s) is/are being invoked.

Recommendation(s) \_\_\_\_\_ in the "Expedited Acquisition and Assistance Procedure for Activities and Programs in Response to the Afghanistan Crisis" apply to this activity.

In order for COs and AOs to easily locate the above statement in a request, requesting officers should try to include it in the same place each time in the request. For requests in A&A NMS, the requestor in the operating unit should include this statement in the Planning Module, under the Request Description on the Initial Tab. In Modified Acquisition and Assistance Request Documents (MAARDs), the requesting office should include the statement in Block 10, "Instructions to Authorized Agent." USAID/W COs and AOs do not have authorization to use these expedited A&A procedures unless the request specifically invokes the Administrator's approvals from the Action Memorandum in Attachment 1.

COs and AOs are responsible for documenting in the award file all actions they take to implement these authorities, including how they decided the extent of competition and/or determined the appropriate source/origin/nationality for a procurement. They must also include a copy of both Action Memoranda (the original approvals and the February 2003 extension) in the award file.

### **Specific Guidance for each Recommendation:**

#### A. Approval of Obligations Not Covered by Existing Strategic Objectives (SOs)

This Recommendation applies primarily to the activity approval process, as covered in ADS 201, and only indirectly affects USAID's A&A staff. All other relevant actions addressed in ADS 201 (particularly 201.3.12, Pre-Obligation and Activity Planning Requirements) are still required, unless otherwise waived in the Action Memorandum.

#### B. Grants and Cooperative Agreements. Authorization of Less than Fully Competitive Procedures

The approval of this Recommendation constitutes the written justification required in paragraph (1)(e) of ADS E303.5.5d to use less than full and open competitive procedures under the authority of paragraph (5) of ADS 303.5.5d. Note that this Recommendation contains two parts. The first part applies to awarding non-competitive amendments to existing awards, while the second part applies to using less than fully competitive procedures for new awards. AOs are to work closely

with the requiring office to determine what should be the “practicable” number of sources to solicit, given the urgency of the particular activity responding to the crisis in Afghanistan, but the AO has the ultimate authority to decide.

#### C. Procurement of Goods and Services. Authorization For Other than Full and Open Competition

The approval of this Recommendation, which includes the determination and findings in Tab A of the Action Memorandum in Attachment 1, constitutes a justification for other than full and open competition authorized in AIDAR 706.302-70(b)(3)(ii). Synopsis and public notice in accordance with FAR 5-201 is not required when this exception to full and open competition is used, per AIDAR 705.202(b).

After an authorized individual (see Applicability section above) approves the activity for the “Expedited Acquisition and Assistance Procedure for Activities and Programs in Response to the Afghanistan Crisis,” the CO must work closely with the requiring office to determine the most effective level of competition. The Determination and Finding in Tab A states that, prior to using informal competitive procedures for a particular procurement, as authorized by the determination, requesting offices will consider the feasibility of using full and open competition or other contracting authorities, such as contracting with the Small Business Administration under the 8(a) Program. The CO has the ultimate authority to decide what is “practicable” under the specific circumstances. Note that the last sentence of the approved Recommendation states: “However, in the case of follow-on circumstances, it is understood that the existing contractor is the only practicable source.”

#### D. Source, Origin, and Nationality Waiver

Approval of this Recommendation constitutes a written waiver of USAID’s source, origin, and nationality requirements in 22 CFR 228 to include Geographic Code 935, with a preference for procurement of U.S. source, origin, and nationality to the extent practicable. The Action Memorandum also recognizes that “the preference for U.S. procurement would be subject to the terms and conditions of any promulgated, published policy of USAID effective at the time of the procurement.” For USAID’s published policy, see ADS 221, USAID’s Procedures for Implementing International Agreements for Tied and Untied Aid, which includes an “untying agreement” that may apply to certain individual procurements as more fully described in that chapter. COs and AOs must direct any questions about the applicability of this chapter to the Office of the General Counsel, Contracts and Commodities Management (GC/CCM).

#### **Additional Action Memorandum Items:**

Although not separate Recommendations in the attached Action Memorandum, COs and AOs are encouraged to use other available authorities and procedures, such as

- \* ADS 308 for Grants to Public International Organizations,
- \* FAR 19.5 for set-aside contracts to small business concerns,
- \* FAR 19.8 for awards under the Small Business Administration’s 8(a) Program, and
- \* ADS 321 for assistance awards to Minority Serving Institutions (MSIs).

The Office of Small Business Utilization (OSDBU) is available to help identify small business and 8(a) concerns, and the MSI Coordinator in OSDBU can provide information on MSIs.

## **Reporting to the Agency Competition Advocate:**

For each award using any of the Recommendations in Attachment 1, COs and AOs are responsible for electronically forwarding the following information, in the following format, to the Agency Competition Advocate at the following e-mail address: Agency Competition Advocate (aca@usaid.gov). Use the following format for the message:

Subject line: Award using Expedited A&A Procedures for Afghanistan

1. Award number. (Be sure this number clearly indicates if the award is an initial award, a modification or amendment, a purchase order, a task order, or a modification to either a purchase order or task order.)
2. Name of awardee.
3. Obligated amount of award.
4. Total estimated cost of award.
5. Period of performance (effective date and estimated completion date).
6. A summary statement describing the resulting award.
7. Specific Action Memorandum Recommendation(s) used in the award, and a brief summary of competition decisions (sole source, basis for limiting the number of sources for a competition, etc.).

## **POINT OF CONTACT**

Diane M. Howard, M/OP/P, Phone: (202) 712-0206, e-mail: dhoward@usaid.gov

## **ATTACHMENTS**

1. Action Memorandum "Expedited Acquisition and Assistance Procedure for Activities and Programs in Response to the Afghanistan Crisis," signed by the Administrator on February 15, 2002, with Tab A, Determination and Findings. Also, the extension approved on January 15, 2003.
2. Administrator's Executive Messages of June 6, 2002, "Central Asia Crisis Task Force: Dissolution and Succession," and October 4, 2001, "Central Asia Task Force" (Tab B of Attachment 1).

**AAPD 03-06 Expedited Acquisition and Assistance Procedures for Afghanistan  
Attachment 1**

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US. AGENCY FOR  
INTERNATIONAL DEVELOPMENT

F E B 1 2 2002

**ACTION MEMORANDUM**

TO: The Administrator

FROM: Director, Central Asia Task Force, Bernd McConnell | S |  
M/OP/OD, Mark Ward | S |  
GC, John S. Gardner | S |

SUBJECT: Expedited Acquisition and Assistance Procedure for  
Activities and Programs in Response to the  
Afghanistan Crisis.

ISSUE FOR DECISION

Whether to approve the use of other than full and open competition in soliciting and awarding contracts and grants, as well as other waivers, to facilitate and expedite the implementation of programs and activities related to the crisis in Afghanistan.

ESSENTIAL FACTORS

The aftermath of the tragic events of September 11, 2001, has far-reaching consequences for USAID programs in Afghanistan. The Central Asia Task Force, in the USAID General Notice of October 4, 2001, (Tab B), is charged with leading the "...Agency's response to this fast-changing situation..." and for centralizing "...policy and resource allocation decisions for Afghanistan, Pakistan and the Central Asian Republics". In carrying out this responsibility, the Task Force must ensure that the Agency can act "swiftly and creatively" in fulfilling USAID's role in responding to the crisis.

1300 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20523

Pursuant to your recent decision, the Task Force will be addressing post-emergency planning and implementation of the USAID program for Afghanistan. Some of the critical actions which will drive the work of the Task Force include:

- On September 27, 2001, United Nations Agencies issued a "Donor Alert" calling for more than \$584 million in funding for humanitarian assistance and protection programs for up to 7.5 million Afghans, including up to 6 million vulnerable people inside Afghanistan and up to another 1.5 million refugees outside Afghanistan's borders.
- On October 4, 2001, the President announced a \$320 million assistance program for Afghanistan. Funding will support assistance to Afghans both inside and outside Afghanistan's borders, with support for food and a wide variety of other relief needs.

The current assistance planned for Afghanistan is layered on top of an already troublesome history of two decades of war. These years of war, including a decade-long Soviet occupation and ensuing civil strife, have left Afghanistan impoverished and mired in an extended humanitarian crisis. The calamitous years of repressive Taliban rule caused a drastic decline in the human, political and civil rights of the Afghan people, particularly among women, girls and ethnic minorities. Humanitarian prospects worsened sharply in Afghanistan in September 2001 due to developments both inside and outside the country--most notably, the withdrawal of the international staff of most relief agencies and the exodus of Afghans from major Afghan cities to the country's borders. Both of these events were triggered by the fear of U.S. reprisals against the Taliban for harboring Osama bin Laden--the leading suspect in the September 11 terrorist attack against the United States.

In response to the deteriorating situation, on October 4, 2001, the Assistant Secretary of State for South Asian Affairs, Christina B. Rocca, re-declared a complex humanitarian disaster in Afghanistan for FY2002.

The recent two-decade history of Afghanistan and the aftermath of the September 11th terrorist attacks clearly indicate the emergency nature of this situation. The Central

Asia Task Force will need every possible tool at its disposal to be able to respond appropriately and quickly to the on-going crises. Therefore, we have identified the areas of normal USAID implementation procedures which, with specific regard to the urgent needs of Afghanistan, may lead to unavoidable or unacceptable delay in program implementation and, to this end, recommend that you approve the following blanket waivers that are needed to enable us to expedite and implement activities undertaken in response to the crisis.

The waivers would be effective immediately, would be applicable to all acquisition and assistance to be carried out by USAID in Afghanistan--as set forth in the USAID General Notice at Tab B--and would remain in force throughout the life of any activity carried out or initiated under the mandate of the Task Force, though the use of this authority will be reviewed annually. The waivers would cover activities funded from all sources of Agency funding including U.S.-owned or controlled local currency accounts. The waivers would apply to prior year funding still in the pipeline as well as future fiscal year appropriations.

Guidance as to the specific use of the waiver authorities regarding criteria for use, documentation, and reporting will be developed forthwith by P, PPC, and GC.

#### RECOMMENDATIONS

**A. Approval of Obligations Not Covered by Existing Strategic Objectives (SOs).** The recently authorized mission for Afghanistan does not yet have an approved strategic plan. ADS 201.3.3.5 provides that in special foreign policy situations where it is necessary to initiate activities prior to completion and approval of a strategic plan, a temporary one-year exemption may be issued. We recommend that you approve the one-year exemption for activities initiated in Afghanistan.

Approve: \_\_\_\_\_ /s/

Disapprove: \_\_\_\_\_

Date: 15 Feb. 2002



**B. Grants and Cooperative Agreements. Authorization For Other Than Fully Competitive Procedures.** For Grants and Cooperative Agreements to Non-Governmental Organizations (NGOs), the competition requirements are considered to be met when an announcement is published and recommendation for award is made after an impartial review and evaluation of all applications.

In accordance with USAID's need to expedite programs in Afghanistan, it is imperative that the Central Asia Task Force select its grant-financed partners and get them in operation in the shortest time frame possible. It will not always be possible to compete grant applications in the manner called for under existing rules. To facilitate quick implementation of programs to be delivered via grants, we recommend the following:

1. Authorizing non-competitive amendments to existing grants and cooperative agreements for additional work similar to that performed under the original agreement. These extensions would be limited to a two-year period, in order to provide the time to obtain subsequent support on a more competitive basis.
2. **Authorizing awards of new grants and cooperative agreements using less than fully competitive procedures. This authority does not extend to Leader/Associate Assistance Instruments. While formal advertising would not be required, applications would be solicited from as many sources as practicable under the circumstances.**

Pursuant to ADS 303.5.5 (d) (5), competition is not required for assistance awards when justified by circumstances which are determined to be critical to the objectives of the foreign assistance program. Based upon the existing and incipient humanitarian crises in Afghanistan, we recommend that you make this "critical objectives" finding and authorize the use of other than fully competitive procedures in making awards under the above described assistance instruments.

Approve:                     / S /

Disapprove:

Date: 15 Feb. 2002

**C. Procurement of Goods and Services. Authorization for Other Than Full and Open Competition.** We recommend that flexible and expedited procurement procedures be approved for USAID direct contracting for the delivery of goods and services in Afghanistan. Specifically, we recommend that such procurement be undertaken through limited competitive procedures that are quicker as well as less labor intensive than the FAR full and open competitive procedures. As in (B) above, this would apply to follow-on extensions of existing contractual efforts, as well as to new procurements.

Under the USAID Acquisition Regulations (AIDAR) the Administrator of USAID may determine in writing, with supporting findings, that compliance with full and open competitive procedures would impair foreign assistance objectives and would be inconsistent with the fulfillment of the foreign assistance program. AIDAR 706.302-70(b) (3) (ii). You have the authority to make such a determination with respect to entire programs, such as the portfolio of programs and activities which will be developed by the Central Asia Task Force, as further defined by the formal written determination included in Tab A, attached.

In essence, the programs and activities would be those undertaken in response to the crisis in Afghanistan. The expedited procedures would be utilized for quick reaction activities where the impact of U.S. assistance will be needed in a very short time frame. Your approval below will also serve as approval of the formal written determination with supporting findings at Tab A. The Agency Competition Advocate has reviewed the determination. While formal advertising would not be necessary, solicitation would be made from as many sources as practicable under the circumstances. However, in the case of follow-on extensions, it is understood that the existing contractor will often be the only practicable source.

Approve: /s/

Disapprove: ,

Date: 15 Feb. 2002

**D. Source, Origin and Nationality Waiver.** USAID source, origin and nationality regulations generally require that goods and services acquired under direct USAID contracts be procured from Geographic Code 000 (United States) or Geographic Code 941 (U.S. and developing countries). We recommend that Geographic Code 935 (which includes all countries, excluding only the foreign policy restricted countries) be established as the applicable pre-authorized source/origin/nationality code for any goods and services procured in support of the activities of the Central Asia Task Force in Afghanistan, with a preference for procurement of U.S. source, origin and nationality to the extent practicable. The preference for U.S. procurement would be subject to the terms and conditions of any promulgated, published policy of USAID effective at the time of the procurement. (The DAC/OEDC untying agreement applies to certain individual procurements over \$900,000 for assistance to Afghanistan, a Least Developed Country (LDC).)

Motor vehicles would be included in the waiver, and your approval below constitutes the "special circumstance" finding required by FAA 636(i), for vehicles procured for Central Asia Task Force initiatives. However, procurement of motor vehicles from non-U.S. sources will be held to a minimum and carried out only when necessitated by required specifications, spare parts, and maintenance capabilities. Pharmaceuticals are not included in this waiver; however, if necessary for program purposes, the Task Force will initiate review of the technical feasibility of, and prepare separate waiver documentation for, some procurement of pharmaceuticals from non-U.S. sources, as may be required for timely program implementation.

22 CFR 228.51(a) (3) and 22 CFR 228.53(c) provide that a source, origin and nationality waiver for goods or services may be authorized when it is found necessary to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives. The regulation, as well as the underlying statute (FAA 604a), provides that such waivers must be made on a "case-by-case" basis, and GC confirms that this waiver (limited to programs and activities for Afghanistan) meets that standard.

We recommend that you make the above finding and authorize the waiver of source, origin and nationality requirements for goods and services purchased for purposes of carrying out the mandate of the Central Asia Task Force with respect to Afghanistan to be made from Geographic Code 935, as discussed above.

Approve: /S/

Disapprove:

Date: 15 Feb 2002

In addition to the above, the Task Force will pursue other actions to facilitate the speedy implementation of activities in Afghanistan. These actions include:

- (1) Increasing the grant-making authority of the USAID/Afghanistan mission director to \$2,000,000 for use in circumstances when the services of an Agreement officer are not readily available, subject to legal and procurement office local staff review. (If necessary, ad hoc delegations can be requested in a greater amount and will be expedited by M/OP.)
- (2) Ensuring maximum use of existing instruments designed to enable fast track assistance and acquisition processing (e.g., IQCS, grants under contracts mechanism, Leader/Associate assistance instruments). Use of existing mechanisms is stressed since it is unlikely that new awards could be made in time to support the efforts of the Central Asia Task Force with regard to Afghanistan.
- (3) Encouraging the use of Public International organizations (PIOs) to the extent their programs and USAID goals are similar. Use of PIOs is encouraged because they are likely to already be involved in the delivery of humanitarian assistance in the area and because there is no competition necessary to make the award.

- (4) Encouraging MSIs/small/disadvantaged business utilization to the degree it can expedite the A&A process.

Attachments:

Tab A

Tab B

CLEARANCE PAGE FOR ACTION MEMORANDUM requesting decision on Expedited Acquisition and Assistance Procedures for Activities and Programs in Response to the Afghanistan Crisis

Clearances:

AA/PPC, Patrick M. Cronin: date:  
AA/M, John Marshall: date:  
AGC/CCM, -Jeffrey Marburg-Goodman: date:  
ES, Douglas J. Aller: date:  
AA/GH, Anne Peterson (info)  
AA/EGAT, Jonathan Conly (info)

GC:TCarter: 1/3/02; Revised: MWilliams: 1/18/02

Marburg-Goodman:  date 1/25/02  
 date 2/12/02

TAB A

DETERMINATION AND FINDING:

USAID Administrator's Determination Regarding  
Expedited Procurement Procedures for Programs and  
Activities in Afghanistan

Pursuant to the authority set forth in the USAID Acquisition Regulations, Section 706.302-70 (b) (3) (ii), I have determined that it is necessary to use other than full and open competitive procedures for the programs and activities in Afghanistan in order to avoid impairment of foreign assistance and U.S. foreign policy objectives. This determination is made in consideration of the supporting findings set forth below and will be effective from the date of this signature, and, subject to annual review, will remain in force for the period of the programs and activities initiated by the Central Asia Task Force in Afghanistan. Notwithstanding this determination, USAID will seek offers in particular procurements, from as many potential offerors as is practicable under the circumstances.

Supporting Findings

A USAID Notice, dated October 4, 2001, established the Central Asia Task Force.. The Notice recognized the importance of Afghanistan to U.S. foreign policy interests and the pressing need for the Agency to act swiftly and creatively.

The tragic events of September 11, 2001, have far-reaching consequences for USAID programs in Afghanistan. In responding to the calamitous events since that date, USAID will be addressing, in effect, the cumulative debilitating affects of decades of wars in Afghanistan, including the years of Soviet occupation. Rampant civil strife is evidenced by a rapid decline of human, civil and political rights. A total breakdown in civil order and serious food shortages threaten in the near term every segment of society in Afghanistan. The situation regarding refugees will require quick action to avert further strife. The plight of women and ethnic minorities under repressive Taliban rule is equally compelling.

On October 4, 2001, the Assistant Secretary of State for South Asian Affairs officially declared a complex humanitarian disaster in Afghanistan for 2002. Also, on February 2, 2001, the U.S. Ambassador to Pakistan issued a disaster declaration for Afghan refugees.

In short, the magnitude of the crisis and urgency of need for immediate assistance to alleviate the crisis call for expedited procurement procedures to enable an immediate, creative and effective response by USAID in Afghanistan.

Using fully competitive procedures in many instances will not allow USAID to respond to the crises in an effective and efficient fashion. USAID, by seeking offers formally or informally from as many sources as is practicable under the circumstances should be able to achieve beneficial, healthy competition.

Prior to using informal competitive procedures for a particular procurement, as authorized by this determination, implementing offices will consider the feasibility of using FAR full and open competitive procedures, as well as small business Section 8 (a) procurement authorities and minority serving institutions.

All uses of this authority will be documented by the pertinent contracting activity, and the situation will be reviewed on an annual basis by USAID, or as necessary if management of the Afghanistan program is transferred from the Central Asia Task Force to another unit of USAID, to determine the adequacy of the authorities, their continued necessity, or any need for modification.





The Task Force has an initial charter of one year. However, bureaus have been asked to identify members of the Task Force for an initial term of three months. Organizational structure and composition of the Task Force will be reassessed at this point. The Task Force will be supported by PPC, GC, M/OP, and LPA.

Incoming OFDA Director Bernd (Bear) McConnell will serve as Task Force Director. Tish Butler will serve as Deputy Director. Members of the Task Force include: Chris Brown (E&E), Elisabeth Kvitashvili (BHR), Mary Mertens (BHR), Jeanne Pryor (ANE), and Dianne Tsitsos (E&E). An additional member from ANE will be named shortly. Further members will be identified as the need arises. Executive support will be provided by Romaine Williams. Ric Machmer will continue to serve as DART team leader with formal responsibility for all DART activity in the region.

The Task Force will be located in Room 5.9B, and can be reached at 202-712-0014. It can also be reached by email at Central Asia Task Force on USAID's Global Address list.

Andrew S. Natsios

Point of Contact: Kate Almquist, A/AID, (202) 712-5616

January 7, 2003

ACTION MEMORANDUM

TO: The Acting Administrator

FROM: AA/ANE, Wendy J. Chamberlin /s/

SUBJECT: Waiver Extension: Expedited Acquisition and Assistance Procedure for Activities and Programs in Response to the Afghanistan Crisis.

ISSUE FOR DECISION

Whether to approve an extension of the waiver approved by the Administrator on February 15, 2002 which facilitated and expedited the procurement process for conduct of the USAID program in Afghanistan.

ESSENTIAL FACTORS

In the aftermath of the tragic events of September 11, 2001, USAID acted quickly to establish the Central Asia Task Force (CATF) to lead the Agency's response to the fast-changing crisis in Afghanistan and the Central Asia region and to centralize policy and resource allocations for Afghanistan and the rest of the region. (see Att. 1, Agency General Notice.) The CATF, drawn from many Agency Bureaus and Offices, was charged with acting "swiftly and creatively" in carrying out its responsibility.

On June 6, 2002, you approved the Bureau for Asia and the Near East (ANE) as the successor to the CATF for purposes of carrying out the USAID program in Afghanistan (see Att. 2, Agency General Notice.) In doing so, you approved, as functional successor to the CATF, establishment of the Afghanistan Working Group (AWG), drawn from key elements of the Agency, such as DCHA, PPC, FM, GC, LPA, and EGAT, to meet regularly and to facilitate and coordinate the program within the ANE Bureau.

Also, to enable the Agency to respond quickly in the face of crisis conditions and to expedite delivery of assistance in Afghanistan, you approved, on February 15, 2002, a multi-part waiver (see Att. 3, Action Memorandum) which (1) permitted program operators to use less than fully competitive procedures for both acquisition and assistance awards; (2) established Geographic Code 935 countries as the approved source/origin/nationality for the supply of goods and services; and (3) permitted ANE to initiate activities in Afghanistan prior to completion and approval of a strategic plan. The June 6, Action Memorandum approved ANE as the successor to CATF for the purpose of invoking all of these waiver authorities.

We are recommending a waiver extension for an additional year to enable USAID to continue to expedite the delivery of assistance in Afghanistan. The crisis situation has not ended, and the overall situation is still not one of post-conflict. Violent clashes among competing warlords continue in the countryside, and the remnants of Taliban supporters and the menacing presence of terrorists remain a constant threat to security and political stability in Afghanistan. The Islamic Transitional Government of Afghanistan (ITGA) headed by President Karzai, in its endeavors to unite the country and to achieve the political goals of the Bonn Agreements, needs to extend its influence and presence country-wide to gain the support and confidence of the Afghan people. Moreover, the long-term drought conditions are expected to continue and will continue to require an expedited response. In short, the conditions that led to approval of the initial waiver--when every possible tool at USAID disposal had to be used in a very short time frame--are as prevalent now as they were then.

Since the blanket waiver has been in effect, USAID, to achieve the desired swift impact in Afghanistan, has continually invoked its provisions. Virtually every activity carried out by USAID has drawn upon expedited procurement or assistance procedures. For instance, the REFS infrastructure reconstruction activity, including the Kabul/Herat road, used expedited, limited competitive procedures, and a contract was awarded within five weeks of solicitation of proposals. Ground-breaking activity for the road quickly followed--an event which bolstered the ITGA in the eyes of the Afghan people. Similarly, the critical economic governance activity, which will furnish sound

financial and economic underpinning to the ITGA, was awarded within a period of six weeks. Both activities are vital to the viability of the ITGA and may with justification be viewed as critical to achievement of the foreign policy objectives of the United States in Afghanistan. In short, extension of the waiver will make it possible for USAID to continue to respond effectively to the crisis.

The need to procure from Geographic Code 935 sources in the Afghanistan program has been demonstrated continually during the past year. Ready availability of services and materials both in Afghanistan and neighboring countries is essential for the quick start and smooth implementation of many activities. For instance, the services of local and area contractors will be used in road construction and access to readily available equipment and materials procured in nearby countries already has enabled implementation to get quickly underway. As before, under the extended waiver preference will be given to equipment and services of U.S. source/origin/nationality to the extent practicable, subject, as before, to established USAID untying policy.

At the present time, ANE is in the process of melding ongoing and future activity in Afghanistan into the strategic objectives approach required under ADS 201. From the outset, USAID activity in Afghanistan has been driven by the need to respond to fast-changing crises under the chaotic economic, political and social conditions prevailing in post-Taliban Afghanistan. Achieving any standard programmatic approach and developing a set of strategic objectives (SOs), until now, has not been a viable alternative. The pervasive drought and the need to coordinate activity with many donors has further complicated the process. Recently, however, USAID/Afghanistan has developed focused program plans that should serve as a basis for ANE to formulate a more traditional strategic plan for Afghanistan. We would expect to be in a position to seek approval of a set of SOs for Afghanistan within six months. ADS Part 201.3.1 permits the Administrator, with the concurrence of PPC, to extend the exemption from standard programming requirements beyond the initial one year period.





CLEARANCE PAGE FOR ACTION MEMORANDUM requesting approval of an extension of one year to the February 15, 2002 Waiver entitled "Expedited Acquisition and Assistance Procedure for Activities and Programs in Response to the Afghanistan Crisis".

Clearances: (copy of clearances in AAPD file)

ES, Douglas J. Aller	date
PPC, Patrick M. Cronin	date
AA/M John Marshall	date
AGC/CCM, Jeffrey Marburg-Goodman	date
M/OP/OD, Tim Beans	date
GC, John S. Gardner	date

GC: TCarter: 11/16/02



