



USAID
FROM THE AMERICAN PEOPLE

YEMEN VETTING PROCEDURES

	Bureau Order #: N/A	Supplements: N/A	Responsible Office: Vetting Support Unit (VSU)
References: Foreign Assistance Act of 1961, as Amended, 22 U.S.C. 2151 et seq. Executive Order 13224 Title 18 US Code, 2339A and 2339B		Subject: National Security Screening of Awards	Effective Date: On the date signed below

I. PURPOSE

It is USAID policy that the Agency may determine that a particular award is subject to vetting in the interest of national security. The purpose of this document is to describe standard operating procedures for vetting applicable to individuals and organizations seeking USAID funding awards for programs providing assistance to Yemen. These policies and procedures are intended to help mitigate the risk that USAID funds and other resources inadvertently provide support or benefit to individuals or entities that are terrorists, supporters of terrorists, or affiliated with terrorists, while also minimizing the impact of the vetting process on USAID programs and its implementing partners.

II. DEFINITIONS

As used in these Procedures, including the Appendices:

“AM” means Activity Manager drafting a procurement request, including the Statement of Work and Program Description. The AM is responsible for the day-to-day management of the project or activity in question.

“Award” means any contract, grant, cooperative agreement, or any other instrument that acts as any of the same awarded by USAID. Unless the context otherwise requires, an Award includes Subawards, as defined below.

“Awardee” means any individual or entity that receives an Award. Unless the context otherwise requires, an Awardee includes Subawardees, as defined below.

“Branch” or **“Branch Office”** means a unit, operating division or office of a business or organization that (i) is housed in a different location from the main office or headquarters of such business or organization, and (ii) is not established as a separate legal entity from such business or organization (**Parent** and **Subsidiary** are separately defined).

“CO” or **“AO”** means, respectively, the Contracting Officer or the Agreement Officer.

“COR” or “AOR” means the Contracting Officer’s Representative or the Agreement Officer’s Representative who is responsible for day-to-day management of the project or activity in question. A COR/AOR may serve as a Vetting Assistant, but only for bureau-based vetting programs, that is, non-presence vetting programs, and only for subawards.

“Contract” means a mutually binding legal instrument for the acquisition of supplies or services (including construction) by and for USAID.

“Contractor” means the organization or individual from whom USAID acquires supplies or services.

“Development Credit Authority (DCA)” means the legislative authority that permits USAID to issue partial loan guarantees to private lenders to achieve USAID’s economic development objectives. (See USAID Automated Directives System (ADS) 249).

“Direct Recipient” means a natural person or entity that receives cash, goods, or other benefits in furtherance of the objectives of an Award and is identified in the Award or otherwise specifically identified by the Awardee.

“Donor-to-Donor Agreement” means an agreement between USAID and a foreign government that provides development assistance to a third country (or persons or organizations within a third country), usually acting through the foreign government’s development agency, ministry or organization (See ADS 351).

“Educational Institution” means any academic institution, including primary and secondary schools and colleges and universities (See ADS Chapter 253).

“General Services Administration (GSA) Schedule Order” means a contract issued pursuant to the GSA Federal Supply Schedule program (See Federal Acquisition Regulation (FAR) Subpart 8.4).

“Global Development Alliance (GDA)” means a Public-Private Partnership formed pursuant to the GDA Annual Program Statement.

“Grant” means the legal instrument to transfer funds (or anything of value) from USAID to a recipient to carry out a public purpose. **“Cooperative agreement”** means a grant with substantial USAID involvement.

“Government-to-Government (G2G) Agreement” means an agreement with a host government, including agreements, pursuant to which USAID: (i) disburses funds directly to a partner government entity, including all instances in which USAID uses the partner government’s own financial management, procurement, or other systems (See ADS 220); (ii) finances, but is not a party to, contractual arrangements between the host country and the supplier of goods and/or services (See ADS 305); or (iii) makes a grant to a foreign government or a subdivision of it to finance activities in furtherance of a strategic objective or for other purposes. (See ADS 350).

“Host Government Officials” means host nation government officials, above the local level, who are primarily engaged in sovereign governmental activities, such as administration of government programs.

“Interagency Agreement” means any agreement between two Federal agencies by which one agency buys goods or services from the other, including but not limited to an agreement under the authority of Foreign

Assistance Act (FAA) section 632(b), the Economy Act, the Government Management Reform Act or similar legislation, or by which one agency transfers or allocates funds to another under the authority of FAA section 632(a). (see ADS 306).

“Invitational Travel” means any travel financed by USAID, such as financing transportation, tickets, accommodation, per diem, etc., outside of [INSERT PLACE NAME]

“Key Individuals” means: a. Principal officers of the organization's governing body (e.g., chairman, vice chairman, treasurer, or secretary of the board of directors or board of trustees); b. The principal officer and deputy principal officer of the organization (e.g., executive director, deputy director, president, vice president); c. The program manager or chief of party for the USAID-financed program; and d. Any other person with significant responsibilities for administration of USAID-financed activities or resources, such as key personnel as described in either Automated Directives System (ADS) Chapter 302 for contracts or ADS Chapter 303 for assistance awards. The definition of Key Individuals is broader than the definition of “key personnel” under a contract, grant, or cooperative agreement. Please see "USAID Guidance on Vetting of Key Individuals."

“Parent” means any firm, corporation, or other legal entity that owns in the aggregate, directly or indirectly, 50 percent or more of, or otherwise controls, a Subsidiary or Subsidiaries. A Subsidiary may similarly own the majority of, or otherwise control, another Subsidiary or Subsidiaries, in which case such Subsidiary is also a Parent, even though such Subsidiary is itself owned or otherwise controlled by an ultimate Parent organization (**Branch** and **Subsidiary** are separately defined).

“Participant Trainee” means an eligible host-country resident or national sponsored by USAID for a Participant Training program conducted within the United States, a third country, or in-country for the purpose of furthering USAID development objectives (See ADS 253).

“Partner Information Form” or “PIF” means the Office of Management and Budget/Office of Information and Regulatory Affairs (OMB/OIRA)-approved information collection form that requests personally identifiable information on Key Individuals from offerors/applicants/awardees/funds recipients (Appendix B). The form may not be modified or amended without the prior approval of the Office of Management and Budget, USAID’s Office of Security (USAID/SEC), and USAID’s Office of General Counsel.

“Partner Vetting System Application” or “PVS Application” means the password-protected, web-based application that allows USAID to confidentially transfer information collected via the PIF or Secure Portal (defined below) to USAID/SEC for vetting. It also allows USAID/SEC to request additional information on entities or individuals subject to vetting if the PIF is incomplete.

“Personal Services Contract (PSC)” means a contract that, by its express terms or as administered, makes contractor personnel appear to be, in effect, Government employees (See FAR 37.104; Section 1 of USAID Acquisition Regulation, Appendices D and J; ADS 309).

“Prohibited Party” means an individual or entity that USAID knows or has reasonable grounds to suspect: (i) supports or has supported terrorist activities; (ii) is or has been engaged in terrorist activities; (iii) poses a significant risk of committing terrorist activities; or (iv) supports, has supported, is or has been engaged in, or poses a significant risk of committing, other activities that are contrary to the national security interests of the United States.

“Public International Organization” means an international organization included in the List of Public International Organizations referenced in Automated Directives System (ADS) Chapter 308.

“Public-Private Partnership” means an agreement between USAID and a private sector partner whereby the private sector partner provides resources in support of a USAID program. (See ADS 303.3.27).

“Regional Award” means an award that is managed by a Bureau/Independent Office (B/IO), Regional Platform, or bilateral Mission, and has activities in multiple countries.

“Secure Portal” means the password-protected, web-based application that allows applicants for awards to enter the information requested by the PIF.

“Subaward” means any grant, subgrant, guarantee, subcontract or any other instrument that acts as any of the same awarded by an Awardee pursuant to an Award.

“Subawardee” means any organization or individual that receives a Subaward.

“Subsidiary” means any firm, corporation, or other legal entity that in the aggregate (i) is 50 percent or more owned, directly or indirectly, by a Parent organization, or (ii) is less than 50 percent owned, directly or indirectly, by a Parent organization, but the Parent in fact controls the entity through voting, management or otherwise (**Branch** and **Parent** are separately defined).

“Training” means a learning activity in a setting predominantly intended for teaching or imparting certain knowledge and information to the participants with formally designated instructors or lead persons, learning objectives and outcomes, conducted full time or intermittently.

“Vetting Official (VO)” means the USAID official designated as such who supervises the coordination of vetting and is responsible to the designating Assistant Administrator (AA) or equivalent. The duties of the VO generally include receiving/coordinating vetting personally identifiable information from Agency implementing partners and prospective implementing partners, responding to questions about information to be included on the Partner Information Form (PIF) or to be entered in the PVS Secure Portal by implementing partners or prospective implementing partners; receiving the eligibility or ineligibility recommendations from the Office of Security (SEC); and conveying or delegating the authority for transmittal of the vetting notices of eligibility or ineligibility to awardees, potential awardees, sub-awardees or potential sub-awardees that are subject to vetting, as well as to the Contracting or Agreement Officer.

“Vetting Assistant(s)” means any USAID employee or employee designated as such by, and who is or are responsible to, the AA or AA equivalent. The Vetting Assistant(s) has/have responsibility delegated by the VO, to include receiving vetting information, responding to questions about information to be included on the Partner Information Form, and coordinating with SEC and the VO, and conveying the vetting determination to each applicant, potential subrecipients, and contractors subject to vetting, and the contracting or agreement officer. AORs/CORs will not serve as Vetting Assistants for prime awards. For non-presence vetting programs, an AOR/COR may be designated as a Vetting Assistant for sub-awards.

“Vetting Support Unit (VSU)” means the Vetting Support Unit of the Bureau-based vetting program, consisting of the Vetting Official and any Vetting Assistants. All staff of the VSU shall be required to sign appropriate

non-disclosure agreements relating to source selection information, classified information and any other information that has not been made available to the public or disclosed publicly.

“Washington-Based Award” means a central award that is centrally managed in Washington, D.C., by a USAID B/IO.

III. AUTHORITIES AND REFERENCES

Foreign Assistance Act of 1961, as amended (FAA) (22 USC 2151 et seq.)

Executive Order 13224 (eff. 9/24/2001) blocks property and interests in property of individuals and entities that are designated as committing or posing a significant risk of committing terrorist acts. The Executive Order prohibits all transactions and dealings in blocked property or interests in the United States or by U.S. persons. It also prohibits transactions with, and provision of support for, individuals or entities designated in or subject to the Executive Order.

Title 18 USC 2339A and 2339B, which prohibit the provision of material support or resources for terrorist acts or to designated foreign terrorist organizations.

IV. ADDITIONAL BACKGROUND INFORMATION

In addition to the vetting policies and procedures established by these standard operating procedures, other required procedures may also prevent support to Prohibited Parties. First, the CO or AO, as applicable, is required to check relevant public lists, including the Specially Designated Nationals (SDN) list and the excluded parties list found at the System for Award Management (SAM). Second, before an Award is made, the staff of USAID (in the case of a prime Award) or the staff of the prime Awardee (in the case of a Subaward) must scrutinize various aspects of that entity's operations as part of the standard due diligence and pre-award survey. As part of this process, the personal knowledge of USAID staff is taken into account before any Award is made or Subaward is approved.

V. PROCEDURES FOR VETTING

Appendix A details the procedures for vetting potential Awardees and Subawardees. These procedures are subject to change. Check with USAID/SEC for updates prior to implementing.

VI. MANDATORY CLAUSES

The clauses set forth in Appendix D should be included in all Awards and Subawards that are subject to vetting in accordance with these Procedures.

VII. EFFECTIVE DATE

The effective date of these Procedures is the date of signature of the Bureau(s) as indicated below.

Assistant Administrator, Bureau for the Middle East:

Name:  Date 06/04/19

VII. APPENDICES

- A. Vetting Procedures
- B. Partner Information Form
- C. Notices of Eligibility/Ineligibility
- D. Mandatory Clauses

Appendix A: Vetting Procedures

As a reminder, all prime awardees are expected to conduct their own due diligence review of proposed U.S. and non-U.S. awardees prior to submission for vetting.

1. **Applicability:** Vetting is conducted by USAID in connection with its review and approval of proposed Awards and Sub-awards to a proposed U.S. or non-U.S. recipient in excess of \$25,000 and in other situations where USAID retains a right to approve an activity, individual, or entity as a recipient of USAID funding.
 - a. **Awardees and Subawardees:** Except as otherwise provided in these Procedures, any proposed U.S. or non-U.S. Awardee or Subawardee of a USAID Award in excess of \$25,000 will be subject to vetting. This includes USAID-awarded contracts, contractor-awarded subcontracts, and contracts awarded by recipients of grants and cooperative agreements, as well as USAID-awarded grants and cooperative agreements, Leaders with Associates awards, contractor-awarded grants under contracts (GUCs), and subawards under grants or cooperative agreements.
 - b. **On-budget assistance:** USAID reserves the right to conduct vetting of implementing partners in connection with any on-budget assistance award, including any sub-awards under such on-budget assistance.
 - c. **Participant Trainees:** The bureau will vet Participant Trainees for whom USAID finances scholarships, fellowships, or other structured training, but only where the bureau or mission specifically approves the individual participants and/or where (i) such scholarship, fellowship, or other training is in the United States or in any location outside Yemen or (ii) such scholarship, fellowship or other training in Yemen that lasts more than five cumulative work days; (iii) recipients of cash payments or salary stipends that exceed \$500 per individual over the life of the award will be subject to vetting prior to any such payments being made (this will not apply to cash payments or salary stipends paid out to Subawardees that do not meet the level of vetting threshold described in this subsection).
 - d. **Organizations as Direct Recipients of cash or in-kind support:** (1) Vetting is required for a hospital that will receive pharmaceuticals, a company whose manufacturing equipment will be repaired or replaced, or an NGO whose recreational facilities will be renovated. Vetting is not required, however, for persons or entities that benefit from assistance indirectly. For example, no vetting would be required for patients of the hospital, customers of the manufacturer, or users of the recreational facilities.
(2) Vetting is not required under this Bureau Order in the following cases:
 - (i) Individuals who receive jobs under employment generation activities, including incidental job training; and
 - (ii) Ultimate beneficiaries of cash or in-kind assistance, such as food, water, medical care, micro-enterprise loans, shelter, etc.
 - (iii) While vetting need not be conducted in the cases set forth in subparagraph (ii) above, entities providing such assistance are still expected to take appropriate measures to ensure that any cash or in-kind assistance is not provided to or benefits Prohibited Parties, in accordance with the clause in their agreements prohibiting the provision of support to terrorists.

- e. **Global Development Alliances, Public/Private Partnerships, and Development Credit Authority activities:** For Development Credit Authority activities, vetting will be conducted for the individual of the financial institution who will sign the agreement with USAID and the officials of the financial institution who are responsible for deciding whether to enter into the agreement with USAID. Consideration also should be given to vetting key individuals of borrowers when USAID knows who the borrower will be. For alliances and “partnerships” where USAID would not be providing funding to an organization (such as co-financing arrangements), vetting would not generally be required of such an organization.
- f. **Host Government Officials:** Host Government officials, employees, ministries, and other related government staff and constituent components, solely when acting in their official government capacity, are not subject to vetting.
- g. **Educational Institutions:** Vetting applies to colleges, universities, and other educational institutions to the same extent as other types of organizations.
- h. **Branch:** If a branch is a potential Awardee or Subawardee, the parent organization must be vetted. If there are multiple tiers of parent organizations, the relevant Deputy Assistant Administrator (DAA), will determine on a case-by-case basis which, if any, may be subject to vetting. If an organization and a parent or tiers of parents have been previously vetted within the last year, whether subsequent vetting will be required for each of its branches that applies for assistance will also be decided by the DAA, or, in the case of a Washington-based or regional award, by the appropriate DAA, in writing, on a case-by-case basis. The decision to vet another branch that has not been vetted within the year will depend on a risk assessment, and largely on the extent to which the organization’s headquarters oversees and controls the activities of the branches.
- i. **Washington-based and Regional Awards:** Vetting is required in bilateral or regional activities and programs to be implemented by USAID/Washington bureaus and offices only for the component of the regional activity that is being implemented in the country with awards that may be subject to vetting. Wherever applicable, notice must be provided in the solicitation for the implementer.
- j. **Level of Vetting:** In general, vetting under these Procedures applies only to the first-tier (the prime) and second-tier organizations. If, for example, a contractor (first tier) awards a subcontract to a local organization (second tier), which in turn awards a subcontract to another local organization (third tier), the first- and second-tier organizations would be vetted, while the third-tier organization would not be. However, if the OU obligating the funds for a program or activity determines that extenuating circumstances so dictate, vetting may be conducted at the third-tier or even lower tiers. Recipients of training and study tours and invitational travel will be vetted regardless of tier.
- k. **Other situations:** Even if vetting would not otherwise be required under these Procedures, vetting will be conducted whenever USAID has reason to believe that a potential Awardee or Subawardee could be a Prohibited Party.
- l. **Age of Vetting:** Subject to section (m), vetting will only be conducted for individuals who are 16 years of age or older. Where vetting is required for a household, only members of the household who are 16 years of age or older will be vetted.

2. Solicitation and New Awards:

Solicitations: For each prime activity or program that will be subject to vetting, the CO or AO, as the case may be, will ensure that the solicitation language for vetting is included and/or adapted for the solicitation for the particular activity or program.

Prospective Nature of Procedures: In general, the vetting procedures described in these Procedures will only apply to Awards issued after the effective date of these Procedures, and will not apply retroactively, provided, however, that vetting may apply to task order awards to be issued under Indefinite Quantity Contracts (IQC) awarded prior to the effective date of these Procedures; and provided further, that vetting of awards issued prior to the effective date of these Procedures may be conducted in accordance with Section 1(m), "Other situations."

New Awards: The awarding bureau will ensure that new awards are not issued unless/until all relevant entities and individuals subject to vetting, including the Awardee and any Subawardee named (or expected to be named, such as at the concept note stage) in the award, as well as associated Key Individuals, have been deemed eligible.

Modifications or Amendments to Existing Awards: Vetting under these procedures will be required when Awards are modified or amended to provide additional assistance. Modifications or amendments only extending the time of performance or making minor changes in scopes of work do not require re-vetting unless the bureau has reason to believe that changed circumstances justify re-vetting or it has been more than one year since the Awardee and Key Individuals were vetted. The awarding bureau will ensure that amendments triggering vetting are not issued unless/until all relevant entities and individuals subject to vetting, including the Awardee and any Subawardee named (or expected to be named) in the Award, as well as associated Key Individuals, have been deemed eligible.

Non-competitive Awards/Unsolicited Proposals: Proposed Awardee and any Subawardee named (or expected to be named, such as at the concept note stage) in a Non-competitive Award or unsolicited proposal will be vetted in accordance with these Procedures as early in the proposal review process as possible and before any approval or required justifications/waivers are submitted for approval.

3. General Categorical Exemptions: The following types of Awards or activities are categorically exempted from vetting under these Procedures (subject to section 1(m), "Other situations"):

- a. Interagency agreements;
- b. Personal services contracts;
- c. Contributions and grants to Public International Organizations (PIOs). Although PIOs are not subject to vetting, organizations and individuals to whom PIOs make awards or otherwise provide assistance based on the USAID award are subject to vetting by USAID if USAID and the PIO have reached such an agreement;
- d. Government-to-government agreements under ADS 220, 305, or 350; Although Government-to-Government assistance awards are not subject to vetting, organizations and individuals to whom host governments make awards or otherwise provide assistance based on the USAID award are subject to vetting by USAID if USAID and the host government have reached such an agreement;
- e. General Services Administration Schedule Orders;

- f. Urgently needed humanitarian assistance: Subject to Section 1(k), in fast-onset natural disasters, vetting may commence once the situation has stabilized and if deemed necessary and appropriate by the Assistant Administrator (AA) of the Bureau for Democracy, Conflict and Humanitarian Assistance (DCHA) in consultation with the Directors of the Office of U.S. Foreign Disaster Assistance (OFDA), Food for Peace (FFP), and AA/Bureau for the Middle East. In longer-term complex humanitarian emergencies, urgency may be more protracted. In such circumstances, urgency is continually assessed by DCHA, and vetting of HA in complex humanitarian emergencies may commence if deemed necessary and appropriate by AA/DCHA in consultation with the Directors of OFDA and FFP and the AA/Bureau for the Middle East.
- g. Subcontracts and contracts awarded by recipients/subrecipients to vendors for the purchase of commercial items (as such term is defined in FAR 2.101) entered into during the ordinary course of business and for the use of such Awardee or Subawardee, provided, however, that vetting will be required prior to the leasing by Awardee and Subawardee of housing and/or office space;
- h. Contracts or awards that already require RSO or SEC security clearance;
- i. Donor-to-donor agreements as described in ADS 351;
- j. Host Government officials, employees, ministries, and other related government staff and constituent components, solely when acting in their official government capacity.

Vetting of “Key Individuals”: “Key individuals” means:

- a. Principal officers of the organization's governing body (including individuals with an ability or potential ability to divert funds or have influence over assistance; e.g., chairman, vice chairman, treasurer, or secretary, of the board of directors or board of trustees);
- b. The principal officer and deputy principal officer of the organization (e.g., executive director, deputy director, president, or vice president)
- c. The program manager or chief of party for the USAID-financed program; and
- d. Any other person with significant responsibilities for administration of USAID-financed activities or resources, such as key personnel as described in either ADS Chapter 302 for contracts or ADS Chapter 303 for assistance awards. Key personnel, whether or not they are employees of the prime awardee, must be vetted.

Note that the definition of “Key Individuals” differs from the definition of “Key Personnel” under a contract, grant, or cooperative agreement. Please see “USAID Guidance on Vetting of Key Individuals.”

4. Obtaining Data Needed for Review:

- a. If an award is subject to vetting, the CO/AO will inform each Awardee to complete the PIF as a paper document or via the Secure Portal for all of its Key Individuals and return the PIF to the Vetting Official responsible for that award.

- b. Awardees and Subawardees will be responsible for collecting, verifying, and submitting the PIF to the Vetting Official responsible for each proposed sub-award or other action requiring vetting and for themselves as the prime.

5. Vetting Flow:

Step 1 – Data Collection: Awardees will submit the PIF (see Appendix B) when directed to do so by the CO/AO. Awardees will submit their PIFs electronically via the Secure Portal. If internet access is not available to the Awardees then such Awardees will submit hard copies of their PIFs directly to the Vetting Official or designated Vetting Assistant.

Step 2 – Data Review: Upon receipt, the Vetting Official or designated Vetting Assistant will review the data for completeness and accuracy and will seek any additional information necessary from the Awardee.

Step 3 – Data Submission: Before initiating a vetting request, the VSU should review the submission to determine if a vetting approval is already in effect for the Key Individual(s) in question. If an individual received an eligible vetting determination within the past year, the VSU is not required to submit that individual for vetting during that one-year period, but may elect to do so should conditions warrant. If USAID has determined the individual to be ineligible, with no intervening eligible determination, that individual must be re-submitted for vetting.

- a. **Secure Portal:** For those offerors or applicants that have the capability, the VSU will establish accounts in the Secure Portal for their access. Awardees will enter vetting information electronically through the Secure Portal. The VSU will review and approve PIF submissions via the Secure Portal, which will permit the data to be systematically pulled from the Secure Portal into the PVS Application. The VSU will then submit the information to USAID/SEC for vetting.

- b. **Non-Secure Portal Submissions:** Awardees will submit to the bureau the PIFs of proposed Subawardees or other entities or individuals required to be vetted under these Procedures. Upon the VSU's receipt of the PIF submission, the VSU will enter the data into the PVS Application and submit a vetting request.

Step 4 –Vetting: Upon receiving a vetting request, USAID/SEC will search relevant databases, including non-public sources, for derogatory information. If deemed necessary, USAID/SEC will ask the VSU to obtain additional information. Depending on the vetting results, that is, whether USAID/SEC identifies a Prohibited Party, USAID/SEC will make a recommendation to the Vetting Official that the potential Awardee or Subawardee proposed for vetting is either eligible or ineligible. If the recommendation is eligible, then the Vetting Official or designated Vetting Assistant notifies the vetted entities following the process described in Step 6 and the CO/AO, who proceeds with the award or the procurement, as the case may be. The notification by the Vetting Official to the entities of the vetting decision must not include any information regarding award decisions (the CO or AO is responsible for notifying Awardees of award decisions).

Step 5: Final Determination in the Event of Derogatory Information: If USAID/SEC discovers derogatory information and makes a recommendation of ineligibility with respect to one or more potential Prohibited

Parties (i.e., Awardees that USAID/SEC knows or has reasonable grounds to suspect (i) supports or has supported terrorist activities, (ii) is or has been engaged in terrorist activities, (iii) poses a significant risk of committing terrorist activities, or (iv) supports, has supported, is or has been engaged in or poses a significant risk of committing other activities which are contrary to the national security interests of the United States), the responsible Bureau DAA, with the coordination support of the Vetting Official, will determine whether or not to proceed with the award. USAID/SEC will base any recommendation of ineligibility on the derogatory information used during the analysis. The DAA should consult with appropriately cleared parties in making a final determination. Appropriate parties that the DAA is encouraged to consult with include, without limitation, the relevant technical office(s), GC, USAID/Yemen RLO, USAID/Yemen Senior Development Advisor (SDA), and USAID/SEC. Legal advice on a final determination is important to ensure compliance with applicable law. If the cognizant DAA for the operating unit managing the award determines to move forward with the award despite SEC's recommendation of ineligibility, the matter will be referred to the AA for the operating unit managing the award for final determination in consultation with AA/Bureau for the Middle East. In the case of a central award that DCHA manages, the cognizant DAA/DCHA or AA/DCHA, as appropriate, will make the final determination in consultation with the Director of OFDA or FFP, as appropriate.

Step 6 - Determination Notification: Once a final determination is made, the VO/VA will notify the relevant offerors or applicants. Notification of the vetting decision must not include any information regarding award decisions. (The CO or AO is responsible for notifying offerors/applicants of the award decisions.) Notices must conform to the language shown in Appendix C, unless prior, written approval is received from USAID/SEC, GC, and the Bureau for Management. The bureau(s) will retain a copy of the final determination in its/their files. Information determined by USAID/SEC to be releasable, as described in the Reconsideration Procedures below, should be included by the VO in the notice to any offeror/applicant determined to be ineligible. The bureau or office will retain a copy of the final determination in its files. The Office of Acquisition and Assistance will retain a copy of the final determination in its procurement files.

Ineligibility Determination: If an entity/individual is found ineligible as a result of vetting, USAID/SEC will provide to the VO any information to support the vetting recommendation that USAID/SEC determines to be releasable to the vetted entity/individual. In its determination, SEC will take into consideration the classification or sensitivity of the information, the need to protect sources and methods, the type or source of information, and the status of ongoing law enforcement and intelligence community investigations or operations. Releasable information shall be included in the notice to the denied offeror or applicant.

Following an ineligibility determination, an entity or individual is not precluded from applying for future awards, as it is USAID policy to re-vet previously ineligible entities/individuals for every proposed award based on information available at the time of the determination.

Reconsideration Procedures

Reconsideration: (1) Within seven calendar days after the date of the Vetting Official's or designated Vetting Assistant's ineligibility notification to the Awardee or Subawardee, the Awardee or Subawardee may make a written request to the responsible Vetting Official or designated Vetting Assistant that the Agency reconsider the ineligibility determination. The request should include any written explanation, legal documentation, and other relevant written material for reconsideration. If an Awardee indicates to

USAID that it no longer wishes to propose a prospective Subawardee under its award, the appeal process will terminate with respect to such Subawardee. The replacement Subawardee would then be vetted as well.

(2) Within seven calendar days after the Vetting Official or designated Vetting Assistant receives a written request for reconsideration, the responsible AA will determine if the applicant's additional information merits a revised decision. If that AA was substantially involved in the ineligibility determination that is proposed for reconsideration, the AA will appoint another senior official (more senior than the one who made the initial decision), as the deciding official. That deciding official's determination of whether reconsideration is warranted (and decision on eligibility) is final. The deciding official should consult with appropriate parties in making the reconsideration determination. Appropriate parties that the deciding official is encouraged to consult with include, without limitation, the GC.

6. Step 7 - Duration of Approval:

- a. Once an individual/entity has been deemed eligible and received an award, the approval generally will remain in effect for one year from the date the notice of eligibility is transmitted to the partner or prospective partner. However, new vetting of all Key Individuals will be required if there is any change in one or more of the Key Individuals. The Awardee is required to keep USAID apprised of changes in its Key Individuals. For new Awards or Subawards or extensions of Awards or Subawards, the Awardee or Subawardee shall be vetted if more than 12 months have elapsed since vetting was conducted.
- b. The OU may rescind a determination of eligibility if it obtains information indicating that an entity or any of its Key Individuals is a Prohibited Party. In such event, the CO/AO, as appropriate, will provide written instructions to the Awardee on termination, in whole or in part, of any Award or Sub-award affected. Failure to take immediate action upon receipt of such written instructions may result in disallowance of costs incurred after the date of such written instructions. In addition, USAID reserves the right to vet or re-vet any individual or entity subject to vetting at any time regardless of the previous vetting date.

7. Records Management: USAID/SEC will maintain a database of all Key Individuals that have been submitted for vetting and the status of each case. Due to the sensitivity of information in the database, it will be made available only to those with an official need to know. The OU will maintain a database of all final eligibility and ineligibility determinations of awards. The PVS application will serve as the database of all final eligibility and ineligibility determinations of award. The Vetting Official or designated Vetting Assistant, as appropriate, will store all paper records containing Sensitive But Unclassified information, such as PII, in a secure container, and will update the PVS application with vetting decisions. USAID will retain and dispose of records in its PVS Application in accordance with the records disposition schedule approved by the National Archives and Records Administration.

Appendix B: USAID Partner Information Form (PIF)

PARTNER INFORMATION FORM
(See Burden and Privacy Act Statements on Page 3)

Part I: Information About Proposed Activities		
1. Name of the prime contractor, grantee, or recipient proposing the award or other assistance		
2. Type of proposed award or other assistance (check one): <input type="checkbox"/> Contract or Subcontract <input type="checkbox"/> Grant or Subgrant <input type="checkbox"/> Training <input type="checkbox"/> Equipment <input type="checkbox"/> Other		
3. US\$ amount and estimated start/end date of proposed award or assistance: Dollar amount: \$ Start: End:		
4. Purpose of proposed award or assistance:		
5. Organization proposed to receive award or other assistance:		
a. Name:		
b. Address:		
c. Telephone:	d. Fax:	e. Email:
6. Information on key individuals associated with the organization named in 5 above, or, if no organization is listed, information on each individual to receive cash or in-kind assistance (including technical assistance). Use continuation sheets as necessary.		
** = mandatory information.		
A. Name (As in passport or other government-issued photo ID):**		Government-issued photo ID number, type of ID and country of issuance:**
Place of birth:**	Date of birth:** (mm/dd/yyyy)	Rank or title in organization listed in #5 (if "key individual"):**
Other names used (may include nicknames, pseudonyms not listed under "Name"):**		Gender:
Current employer and job title:		Occupation:
Address of residence:		Citizenship(s):
Email:	Is the individual a U.S. citizen or legal permanent resident?** Yes <input type="checkbox"/> No <input type="checkbox"/>	
Part II: Contractor/Grantee/Recipient Certification:		
Contractor/Grantee/Recipient certifies in submitting this form that it has taken reasonable steps (in accordance with sound business practices) to verify the information contained in this form. Contractor/Grantee/Recipient understands that the U.S. Government may rely on the accuracy of such information in processing this vetting request.		
Name:		Signature:
Title/Organization:		Date:
Part III: Submission details (to be completed by USG vetting official)		
Vetting request number		
Staff member who initiated request		
Project name		
Date submitted for screening		

PIF Continuation Sheet for Part I, Section 6: List of Individuals (Use additional continuation sheets as needed):

B. Name (As in passport or other government-issued photo ID):**		Government-issued photo ID number, type of ID and country of issuance:**
Place of birth:**	Date of birth:** (mm/dd/yyyy)	Rank or title in organization listed in #5 (if "key individual"):**
Other names used (may include nicknames, pseudonyms not listed under "Name"):**		Gender:
Current employer and job title:		Occupation:
Address of residence:		Citizenship(s):
Email:	Is the individual a U.S. citizen or legal permanent resident?** Yes <input type="checkbox"/> No <input type="checkbox"/>	
C. Name (As in passport or other government-issued photo ID):**		Government-issued photo ID number, type of ID and country of issuance:**
Place of birth:**	Date of birth:** (mm/dd/yyyy)	Rank or title in organization listed in #5 (if "key individual"):**
Other names used (may include nicknames, pseudonyms not listed under "Name"):**		Gender:
Current employer and job title:		Occupation:
Address of residence:		Citizenship(s):
Email:	Is the individual a U.S. citizen or legal permanent resident?** Yes <input type="checkbox"/> No <input type="checkbox"/>	
D. Name (As in passport or other government-issued photo ID):**		Government-issued photo ID number, type of ID and country of issuance:**
Place of birth:**	Date of birth:** (mm/dd/yyyy)	Rank or title in organization listed in #5 (if "key individual"):**
Other names used (may include nicknames, pseudonyms not listed under "Name"):**		Gender:
Current employer and job title:		Occupation:
Address of residence:		Citizenship(s):
Email:	Is the individual a U.S. citizen or legal permanent resident?** Yes <input type="checkbox"/> No <input type="checkbox"/>	
E. Name (As in passport or other government-issued photo ID):**		Government-issued photo ID number, type of ID and country of issuance:**
Place of birth:**	Date of birth:** (mm/dd/yyyy)	Rank or title in organization listed in #5 (if "key individual"):**
Other names used (may include nicknames, pseudonyms not listed under "Name"):**		Gender:
Current employer and job title:		Occupation:
Address of residence:		Citizenship(s):
Email:	Is the individual a U.S. citizen or legal permanent resident?** Yes <input type="checkbox"/> No <input type="checkbox"/>	

PARTNER INFORMATION FORM INSTRUCTIONS

Part I

Question 1 – Self-explanatory

Question 2- Indicate the proposed type of mechanism to be utilized by placing a check mark on the line in front of the appropriate term

Question 3 – Enter the amount of award or assistance in U.S. dollars and indicate the start and end date of the program using a mm/dd/yyyy format

Question 4 – Indicate the purpose of the award or assistance. Use additional sheets and attach to page one of the vetting form if necessary

Question 5 a-e – Self-explanatory

Question 6 - “Key individual” means (i) principal officers of the organization’s governing body (e.g., chairman, vice chairman, treasurer and secretary of the board of directors or board of trustees); (ii) the principal officer and deputy principal officer of the organization (e.g., executive director, deputy director, president, vice president); (iii) the program manager or chief of party for the USG-financed program; and (iv) any other person with significant responsibilities for administration of the USG-financed activities or resources. Note that this definition differs from the definition of “key personnel” under contracts and cooperative agreements. Complete for each of these four categories or indicate “N/A” if a category does not apply.

Part II

Individual filling out form must read the Certification and print their name where indicated, sign where indicated, print their title and the name of their organization where indicated, and print the date where indicated.

Part III

This section is not for individual’s information and will be completed by the USG vetting official.

PUBLIC BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Agency for International Development, Office of Security (SEC), Washington, D.C. 20523-2600.

PRIVACY ACT STATEMENT

The following statement is required by the Privacy Act of 1974 (5 U.S.C. 522). Information in this form is used to conduct screening of individuals and entities as required by applicable U.S. laws and implementing procedures to ensure that USAID funds do not inadvertently provide support to entities or individuals associated with terrorism. Public Law 109-446 §3(b)(2), 18 U.S.C. 2339A, 2339B, 2339C, Executive Orders 13224 and 12947, applicable Homeland Security Presidential Directives and other legislative or executive branch prohibitions on providing support or resources to, or engaging in transactions with, individuals or entities associated with terrorism constitute the authority for collecting this information. In addition, the Foreign Assistance Act of 1961 as amended (22 U.S.C. 2151 et seq.) provides USAID with broad discretion in granting foreign assistance and permits USAID to consider a range of foreign policy and national security interests in determining how to provide foreign assistance.

Disclosure of the information provided on this form will be done in accordance with USAID's System of Records Notice concerning the Partner Vetting System (72FR136) which establishes the routine uses and Privacy Act exceptions which apply to this system.

Appendix C: Vetting Notices

Unless otherwise approved in writing by USAID's Bureau for Management (M Bureau), and Offices of Security (SEC) and the General Counsel (GC), the following language shall be used to notify of eligibility or ineligibility for an award or subaward.

NOTICES OF ELIGIBILITY

To Potential Contractor or Recipient

I am writing with regard to [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT]'s application for [INSERT NAME OF BUSINESS OPPORTUNITY AND ASSOCIATED SOLICITATION OR NOTICE OF FUNDING OPPORTUNITY REFERENCE NUMBER, IF ANY]. USAID has determined that [INSERT NAME OF CONTRACTOR/RECIPIENT] is eligible at this time to receive a USAID award in connection with the opportunity specified above. Eligibility is not a determination as to whether USAID will make an award. USAID reserves the right to rescind this eligibility determination in the event that the Agency becomes aware of information to indicate that the award is contrary to the national-security interests of the United States.

This eligibility determination does not relieve your organization of its legal obligation to comply with U.S. law and Executive Orders that prohibit transactions with, and the provisions of resources and support to individuals and organizations associated with terrorism, and to comply with the terms and conditions of its contract/agreement.

Should USAID select your organization for this award, the terms and conditions of your contract/agreement with USAID will require prompt notification to the designated Vetting Official in the event of any change in the identity of any "Key Individuals." You must also notify the Vetting Official if there is a material change in the program or operations under this award, or any development that might cause USAID to reconsider [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT]'s eligibility for the above business opportunity.

To Potential Contractor or Recipient Concerning Eligibility of Subcontractor or Subrecipient

I am writing with regard to [INSERT NAME OF PROPOSED SUBCONTRACTOR/SUBRECIPIENT], which your organization has proposed to receive a USAID award under [INSERT NAME OF BUSINESS OPPORTUNITY AND ASSOCIATED SOLICITATION OR NOTICE OF FUNDING OPPORTUNITY REFERENCE NUMBER, IF ANY]. USAID has determined that [INSERT NAME OF PROPOSED SUBCONTRACTOR/SUBRECIPIENT] is eligible at this time to receive such award. However, USAID reserves the right to rescind this approval in the event that the Agency becomes aware of information to indicate that the award is contrary to the national-security interests of the United States. Furthermore, a new request for eligibility will be required annually if your organization wishes to make a new award to [INSERT NAME OF PROPOSED SUBCONTRACTOR/SUBRECIPIENT].

This eligibility determination does not relieve your organization of its legal obligation to comply with U.S. law and Executive Orders that prohibit transactions with, and the provisions of resources and support to individuals and organizations associated with terrorism, and to comply with the terms and conditions of its contract/agreement.

Should [INSERT NAME OF PROPOSED SUBCONTRACTOR/SUBRECIPIENT] receive this award, you must notify the designated Vetting Official in the event of any change in the identity of any "Key Individuals". You must

also notify the Vetting Official if there is a material change in the program or operations under this award, or any development that might cause USAID to reconsider [INSERT NAME OF PROPOSED SUBCONTRACTOR/SUBRECIPIENT]'s eligibility for the above business opportunity.

NOTICES OF INELIGIBILITY

To Potential Contractor or Recipient

I am writing with regard to [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT]'s application for funding. After careful consideration, USAID has determined that [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT] is not eligible to receive the award funded by USAID under [INSERT NAME OF BUSINESS OPPORTUNITY AND ASSOCIATED SOLICITATION OR NOTICE OF FUNDING OPPORTUNITY REFERENCE NUMBER, IF ANY].

Within seven (7) calendar days after receiving this notice, your organization may request in writing that USAID reconsider this determination. Your organization may submit with this request any written explanation, legal documentation, and/or other relevant material for USAID's consideration.

USAID will notify your organization whether reconsideration is warranted within seven (7) calendar days after USAID receives from your organization the written explanation, legal documentation, and/or other relevant material referred to above.

To Contractor or Recipient Concerning Ineligibility of Proposed Subcontractor or Subrecipient

I am writing with regard to [INSERT NAME OF PROPOSED SUBCONTRACTOR/SUBRECIPIENT], which your organization has proposed to receive a USAID award under [INSERT NAME OF BUSINESS OPPORTUNITY AND ASSOCIATED SOLICITATION OR NOTICE OF FUNDING OPPORTUNITY REFERENCE NUMBER, IF ANY]. After careful consideration, USAID has determined that [INSERT NAME OF PROPOSED SUBCONTRACTOR/SUBRECIPIENT] is not eligible to receive this award funded by USAID.

Within seven (7) calendar days after receiving this notice, your organization may request in writing that USAID reconsider this determination. Your organization may submit with this request any written explanation, legal documentation, and/or other relevant material for USAID's consideration.

USAID will notify your organization whether reconsideration is warranted within seven (7) calendar days after USAID receives from your organization the written explanation, legal documentation, and/or other relevant material referred to above.

To Contractor or Recipient Regarding an Individual's Eligibility

I am writing with regard to [INSERT NAME OF INDIVIDUAL], the individual your organization has proposed to receive USAID assistance. USAID has determined that [INSERT NAME OF INDIVIDUAL] is eligible to receive assistance funded by USAID.

To Contractor or Recipient Regarding an Individual's Ineligibility

I am writing with regard to [INSERT NAME OF INDIVIDUAL], the individual your organization has proposed to receive USAID assistance. After careful consideration, USAID has determined that [INSERT NAME OF INDIVIDUAL] is not eligible to receive assistance funded by USAID. We encourage you to identify another candidate to receive the proposed assistance.

Appendix D: Required Clauses for Vetting

For Acquisition (see Partner Vetting for Acquisition – A Guide for Contracting Officers):

- 48 CFR 752.204-70/71 Partner Vetting Pre-Award Requirements (Feb. 2012)
- 48 CFR 752.204-70/71 Partner Vetting (Feb. 2012) and its alternative I, as applicable. The CO must also include the contact information for the vetting official or mailbox for submissions of vetting information in 48 CFR 752.204-70/71

For Assistance: 2 CFR 701