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Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance

Issued: February 11, 2016

AAPD 16-01-A

Special Requirement for Acquisition Awards with Performance in Syria (Operation Inherent Resolve)

Subject Category: Acquisition Management
Type: POLICY

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

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

This AAPD: Is New Replaces/ Amends CIB/AAPD

Applicable to: Existing awards; Modification required

No later than

As noted in guidance below*

RFPs/ issued on or after the effective date of this AAPD; all other Pending Awards, i.e., 8(a), sole source, IQC

Other

Precedes change to:

AIDAR Part(s) Appendix

USAID Automated Directives System (ADS) Chapter – Code of Federal Regulations

Federal Acquisition Regulations

No change to regulations

New Provision/Clause Provided Herein: If checked, scheduled update to GLAAS: NLT February 29, 2016

/s/

Mark Walther

1. **PURPOSE:** This AAPD provides a special requirement for use in solicitations and contracts with performance in Syria.

Required Action: Contracting Officers (COs) must insert the attached special requirement in accordance with the Guidance in Section 3 in solicitations and awards, including existing awards, with performance in Syria.

2. **BACKGROUND:**

On September 14, 2014, the Secretary of Defense designated operations in Syria and Iraq as a contingency operation as defined at Title 10 USC 101(a)(13), to conduct targeted operations against the Islamic State of Iraq and the Levant (ISIL) terrorists. Such efforts have been referred to as "Operation Inherent Resolve".

Two separate authorities, discussed below, require that USAID obtain additional information for certain contracts performed in overseas locations, which is implemented through this AAPD only for Syria.

First, for contracts in areas of ongoing contingency operations; humanitarian or peacekeeping operations; or other military operations or military exercises, when designated by the combatant commander; or when supporting a diplomatic or consular mission that has been designated by the Department of State as a danger pay post, Federal Acquisition Regulation (FAR) Subpart 25.3 specifies information that must be collected and maintained as required (see FAR 25.301-4 and FAR clause 52.225-19, specifically paragraph (g):

(g) Personnel data.

(1) Unless personnel data requirements are otherwise specified in the contract, the Contractor shall establish and maintain with the designated Government official a current list of all Contractor personnel in the areas of performance. The Contracting Officer will inform the Contractor of the Government official designated to receive this data and the appropriate system to use for this effort.

(2) The Contractor shall ensure that all employees on the list have a current record of emergency data, for notification of next of kin, on file with both the Contractor and the designated official.

Second, USAID is required to comply with Sec. 844 of the FY2013 National Defense Authorization Act for overseas contingency operations that involve combat operations. Section 844 requires that USAID has the capability to collect and report on eight specific data elements. USAID's current policies and procedures are to use its contract writing system, GLAAS, to collect and report on five of the required data elements that are related to the number, value, and competition of contracts. The Department of Labor's Office of Workers' Compensation Programs Defense Base Act Case Summary Report provides the sixth data element-- the number of contractor personnel killed or wounded during performance. USAID has determined that the most efficient and effective method of obtaining the remaining two data elements required for contracts in support of contingency operations that involve combat (Section 844 of the FY13 NDAA), is to utilize the Department of Defense's Synchronized Predeployment and Operational Tracker (SPOT). SPOT serves as an effective tool for the Agency to collect and report on these two specific data elements, which are not collected by the Agency's standard data systems.

The two data elements required for contracts in support of Operation Inherent Resolve are:

“1. The total number of contractor personnel working under Contracts in support of contingency operations outside the United States that involve combat operations at any given point in time.

2. The total number of contractor personnel performing security functions under such contracts at any given point in time.”

USAID has confirmed with DoD the continued use of DoD’s SPOT database to meet NDAA requirements as they relate to contracts with performance in Syria¹. With respect to the above data elements for reporting of contractor personnel, the NDAA requires only aggregate data, not the collection of personally identifiable information (PII). However, the FAR clause requires the submission of PII.

Accordingly, SPOT provides a way to meet the information requirements of both authorities in a manner that is compliant with information collection and information security requirements. We further anticipate that complying with SPOT will meet section 844(c)’s requirement that data systems, “are interoperable [and] use compatible data standards”

3. GUIDANCE:

a. COs are reminded to include the clause at FAR 52.225-19 “Contractor Personnel in a Designated Operational Area of Supporting a Diplomatic or Consular Mission Outside the United States (MAR 2008)” in all contracts involving performance in Syria.

b. COs must also include the special requirement as prescribed in Attachment A in all contract and task order solicitations and resulting awards when they involve performance in Syria, as a supplement to FAR 52.225-19.

c. COs must immediately modify any existing contracts/task orders involving performance in Syria to incorporate this special requirement if it is not already included in the contract/task order.

4. POINTS OF CONTACT:

COs may direct their questions about this AAPD to Carol Ketrick, M/OAA/P, at telephone (202) 567-4676, e-mail:cketrick@usaid.gov, and questions on SPOT to George Higginbotham, at telephone 202-712-1948, e-mail ghigginbotham@usaid.gov.

Contractors, prospective offerors for awards must direct their questions to the cognizant CO for the award.

ATTACHMENT : Special Contract Requirement for Performance in Syria: Section H: “Use of Synchronized Predeployment and Operational Tracker (SPOT) for Contractors Supporting a Diplomatic or Consular Mission Outside the United States (FEB 2016)”

¹ In compliance with statute, the Secretary of State, the Secretary of Defense, and the Administrator of USAID previously entered into a MOU related to contracting in Iraq and Afghanistan, agreeing that DoD’s synchronized Pre-Deployment and Operational Tracker (SPOT) database will be the system of record and repository for the contract and contractor personnel information required by Section 861. (Reporting for assistance awards was added later by statute.) See also AAPDs 09-01 and 10-04.

ATTACHMENT A– SPECIAL CONTRACT REQUIREMENT FOR PERFORMANCE IN SYRIA

Insert the following special requirement into Section H of the Uniform Contract Format in solicitations and resulting awards (including task orders under USAID Indefinite Quantity Contracts or GSA Federal Supply Schedule contracts) that will include performance in Syria “Operation Inherent Resolve”. COs must modify existing contracts to include this special requirement as soon as practicable.

Section H - Special Contract Requirements

Use of Synchronized Predeployment and Operational Tracker (SPOT) for Contractors Supporting a Diplomatic or Consular Mission Outside the United States (FEB 2016)

In accordance with paragraph (g) Personnel Data, of FAR clause 52.225-19 “Contractor Personnel in a Designated Operational Area of Supporting a Diplomatic or Consular Mission Outside the United States (MAR 2008)”, the Contracting Officer hereby identifies the Synchronized Pre-deployment and Operational Tracker (SPOT) as the required system to use for this contract.

Accordingly, before the Contractor deploys personnel to Syria, it must register them in SPOT. If personnel are already in Syria at the time the contractor employs them, at the time of contract award, or at the time the contract is modified to include this special requirement, the contractor must enter the required information into SPOT for each individual as soon as practicable. The Contractor must maintain current data in SPOT for all personnel.

Contract performance may require the use of armed private security contractor personnel (PSCs). PSCs must be individually registered in SPOT.

Procedures for using SPOT and relevant training are available at <https://spot.dmdc.mil> and <http://www.acq.osd.mil/log/PS/spot.html>. Further guidance may be obtained from the Contracting Officer’s Representative (COR) or the Contracting Officer.

Use of SPOT applies to sub-contracts; this special requirement must be included in all subcontracts at any tier.

(End)