



USAID | WEST BANK/GAZA

Implementing Partner Notice No. 2022-WBG-07

To: USAID/West Bank and Gaza Implementing Partners
From: Daniel Harter, Supervisory Contracting/Agreement Officer
Office of Contracts Management, USAID/West Bank and Gaza
Date: December 19, 2022
Subject: The Prevention of Trafficking in Persons, Including Informed Compliance with the Prohibition on the Use of Forced Labor in the Performance of USAID Awards

Dear Implementing Partners:

The United States has a long-standing policy of prohibiting U.S. Government employees and contractor and recipient personnel from engaging in trafficking in persons activities. Title XVII, entitled “Ending Trafficking in Government Contracting,” of the 2013 National Defense Authorization Act (NDAA), enacted Jan. 2, 2013, greatly expanded the list of trafficking prohibitions and created a stronger framework to eliminate trafficking in persons activities in federal acquisition and assistance.

The U.S. Government has become aware of the increased use of forced labor in the supply chain of many goods and services (most notably the acquisition of solar panels) procured with U.S. Government funds. To address these concerns and to ensure compliance with existing U.S. Government requirements, as required by statute, USAID/WBG would like to remind Implementing Partners of the following requirements regarding the prevention of trafficking in persons included in their respective awards:

Assistance Awards

All USAID grants and cooperative agreement awards include a Trafficking in Persons standard provision M20 (ADS 303maa - for US Nongovernmental Organizations), M15 (ADS 303mab - for Non-US Nongovernmental Organizations) or M6 (ADS 303mat - for Fixed Amount Awards to Nongovernmental Organizations) prohibiting recipients from using forced labor in the performance of their awards. (See specifically M20(a)(3); M15(a)(3); and M6(a)(3) of the provisions above).

In addition, Recipients with awards to be performed outside the United States where the estimated value of services exceeds \$500,000 are required to submit an annual certification regarding trafficking in persons and implement a counter-trafficking in persons compliance plan. Failure to comply may result in termination of the award and other remedial actions (See M20(b), M15(b), and M6(b) of the Standard Provisions outlined above).

Acquisition Awards

As required by statute, all USAID contracts include a Combating Trafficking in Persons (C-TIP) provision (FAR 52.222-50) prohibiting contractors from using forced labor in the performance of their awards. (See specifically FAR 52.222-50(b)(3)).

In addition, contractors with awards to be performed outside the United States where the estimated value of services exceeds \$550,000 are required to: 1) submit an annual certification regarding trafficking in persons and 2) implement a compliance plan. (See FAR 52.222-50(h)). Please be reminded that if a contractor is required to submit this compliance plan, the contractor must annually certify that after conducting due diligence, no violations have occurred, or if they have occurred, the contractor has taken appropriate remedial action. (See FAR 52.222-50(h)(5)). Failure to take appropriate remedial action could result in suspension, debarment, or other appropriate remedies (See FAR 52.222-50(e)).

Furthermore, to aid in compliance, USAID directs its partners to several resources provided by U.S. Government agencies:

- U.S. Customs and Border Protection (CBP) publishes and regularly updates a list of entities subject to a Withhold Release Order (WRO). Entities are listed here when the U.S. government has reasonable evidence of the use of forced labor in the manufacturing or production of the listed products.
- The Department of Commerce publishes and regularly updates an Entity List, informing the public of entities that have been determined to be engaged in activities contrary to U.S. national security interests or otherwise sanctionable, including entities found to engage in a pattern of using forced labor.
- U.S. Department of Labor (DOL) publishes a list of Products Produced by Forced or Indentured Child Labor. Products are included on this list when DOL has a reasonable basis to believe they are produced by forced or indentured child labor. DOL also maintains a list of Goods Produced by Child Labor or Forced Labor. Goods are included on this list when DOL has reason to believe they are produced by child labor or forced labor in violation of international standards.
- The Department of Homeland Security publishes the Uyghur Forced Labor Prevention Act Entities List. This list includes entities that mine, produce, and manufacture goods with forced labor, work with the government of Xinjiang to recruit and use forced labor, and source materials from Xinjiang produced using a government-labor scheme.

Inclusion of an entity or product on the lists described above may assist in uncovering forced labor in the supply chain. Accordingly, USAID awardees are strongly encouraged to review the listed entities and products when entering into subawards or contracting with suppliers for materials to be used in the performance of their award. Failure to do so will result in an increased risk of noncompliance with the terms of award. Implementing Partners engaged in projects related to solar energy are specifically encouraged to use maximum diligence due to persistent concerns with the prevalent use of forced labor in solar panel supply chains.

REQUEST: Based on the above, and to ensure compliance with annual certification requirements submission, all Implementing Partners are requested to submit the signed copy of the trafficking in persons certification to the Office of Contracts Management (OCM), to the attention of Ms. Diana Ghandour, OCM Administrative Assistant, at dghandour@usaid.gov by **January 15, 2023**.

Please direct any questions about this notice to the CO/AO and your respective Acquisition and Assistance Specialist.