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Procedures and Model Letters for Designating the Agreement Officer's Representative (AOR) for Certain PIO Agreements

A Mandatory Reference for ADS Chapter 308

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AOR Responsibility and Authority

USAID Agreement Officer's Representatives (AORs) perform a variety of duties, including working as part of a team with the Agreement Officer (AO) to ensure that USAID exercises prudent management over its assistance funds. The AOR monitors the recipient's progress towards achieving the objectives of the Program Description in the subject agreement and verifies that the recipient's activities being funded by USAID under the referenced agreement conform to the terms and conditions of that agreement. In order to be authorized to manage an agreement on behalf of the AO, the AOR must (1) meet all training requirements for assistance award in ADS 308.3.8 (referencing ADS 303 requirements), and (2) receive an AOR designation letter from the AO delegating authority to perform agreement administration duties.

Other Agency regulations, including ADS chapters outside the [300 Series](#), may hold AORs accountable for duties and responsibilities that do not flow from the AO. Such responsibilities are not included in these letters. AORs should direct any questions they have about these additional responsibilities to the author office of that chapter or regulation or to the author office's representative in the Operating Unit (for example, an AOR in a Mission should direct questions about the AOR's financial management duties in [ADS 600 Series](#) chapters to the Mission Controller).

The AOR must thoroughly review the designation letter to ensure that he or she understands the responsibilities and limitations of the AOR designation. Section III of the Designation Letter outlines the limitations of the delegation of authority to the AOR. Exceeding the authorities designated in the Designation Letter may result in an unauthorized commitment, which can lead to serious disputes and legal actions that unnecessarily tie up Agency personnel and resources. Unauthorized commitments may result in a violation of the [Anti-Deficiency Act, 31 USC Sections 1341-1351](#), which provides for criminal penalties for any government employee who willfully and knowingly violates it.

Standards of Conduct and Conflicts of Interest

As USAID employees, AORs are subject to the ethical standards that apply to all federal employees by virtue of the terms of their employment. Being an AOR does not impose a higher standard for an individual's conduct, but it may provide more occasions for improper behavior and increases the scrutiny that others may direct to an individual's behavior. The AOR is responsible for protecting the U.S. Government's interests, while supporting its reputation for fair and equal dealings with all partners, including agreement recipients. Therefore, if any direct or indirect financial interests place the AOR in a position where there may be a conflict between his or her private interests and the United States' public interest, it must be immediately reported to the appropriate parties. The AOR must avoid the appearance of such conflict in order to preserve public confidence in the U.S. Government employee's conduct of business.

Certification Program

Any individual designated by letter from an Agreement Officer to be an AOR must be certified in the Federal Acquisition Institute Training Application System (FAITAS) and have completed both the FAC-COR training (see [ADS 458](#)). Additionally, the AOR must complete the Agency specific courses listed in [ADS 303](#). The AOR must maintain the certification by completing 40 hours of continuous learning points (CLPs) every two years from the original certification.

For further information about FAITAS certification and FAC-COR certification and training requirements, send an email to FAC-CORInquirymailbox@usaid.gov.

Designation of the AOR

Prior to designating an AOR, the AO is responsible for verifying that the AOR has met all eligibility and training requirements.

The proposed AOR must provide the AO with a current printout of the FAITAS confirmation screen as proof of certification in FAITAS. If it has been two years since the AOR's initial FAC-COR certification, the AOR must also provide the AO with proof of 40 hours of continuous learning for every two years after the initial AOR certification.

The Bureau for Management, Office of Acquisition and Assistance, Professional Development and Training Division (M/OAA/PDT) will generate a quarterly report of expired AOR certifications, which will be posted on the M/OAA/PDT Web site at: <https://pages.usaid.gov/node/1551>. In addition to receiving the certification documentation from the AOR, the AO must check the most recent report to ensure that the AOR's certification has not expired.

AOR designations must be entered in the Global Acquisition and Assistance System (GLAAS) for Cost-Type Agreements, Fixed Amount Agreements, and Simplified Agreements to Public International Organizations (PIOs) (see [ADS 308, Awards to Public International Organizations](#)). AOR designations are not required, but may be used as appropriate for general contributions, project contributions, and Regional Development Objective Agreements (RDOAGs) to PIOs. AOs must ensure that AOR designations are kept current and accurate in GLAAS. The AO must identify the AOR in the Program Manager field under the Main/General Information Screen of the agreement in GLAAS. Because the AOR is included in the agreement document, if the designated AOR is replaced, the AO must issue a unilateral modification to the contract to change the AOR. GLAAS requires that the AO identify an AOR for all agreements with PIOs that require an AOR.

In addition to entering the AOR in GLAAS, the AO must issue the AOR a Standardized Designation Letter, outlining the responsibilities and authorities of the AOR. For cost-type agreements, fixed amount awards, and simplified grants, the AO should use **AOR Designation – Agreement Administration (see Appendix A)**.

The AO must sign the front page of the Designation Letter and transmit it to the AOR. Once the AOR has signed the letter, the AO must countersign the acknowledgement page. By signing the Designation Letter, the AOR certifies that he/she is certified and has

met all the FAC-COR and Agency requirements including the 40 hours of continuous learning, and the AO confirms that the AOR has been certified and meets the eligibility requirements.

Naming an Alternate AOR

The AO must not designate multiple AORs for any particular agreement, except for an alternate AOR who would perform the designated AOR functions only during the absence of the primary AOR. Section III, of the letter, Subsection B. Re-delegation, includes a space for naming the alternate AOR. When designating an alternate AOR, the AO must insert the name of the individual in the blank space in the second paragraph of this subsection. The alternate AOR is subject to the same FAITAS certification, training, and continuous learning requirements as the primary AOR.

When the requiring office nominates the primary candidate for the AOR designation, it must also provide the name of an alternate. The preference is for the alternate to be from the requiring office, because the individual is more likely to be familiar with the agreement and can therefore step in as AOR. However, if the requiring/technical office cannot provide an alternate, then the AOR's immediate supervisor may need to serve as alternate. If the requiring office nominates an individual not from the requiring office and not the AOR's immediate supervisor to be the alternate AOR, the nomination must include a justification supporting this nomination, including an explanation of the nominated alternate's involvement in overseeing the contractor's performance.

AOs must also remind AORs and their alternates that the alternate may only perform AOR duties or responsibilities if the AOR is absent. Ideally, the alternate will only perform AOR duties when the AOR is absent for an extended period of time. The alternate AOR may not countermand an AOR's decision on a matter pertaining to his or her duties as an AOR. In addition, the primary AOR is not responsible or accountable for the actions of the alternate AOR—the alternate AOR is responsible and accountable.

Neither the AOR nor the alternate may further delegate this authority. If neither the AOR nor the alternate is available to perform their duties, the AOR must direct the agreement recipient to the AO for guidance.

Approvals for Designating an Uncertified AOR and Revocation of AOR Designation

1. Designation of Uncertified AOR

In exceptional circumstances, the AO may designate an uncertified AOR in accordance with the exceptions in [308.3.8\(a\)\(3\)\(A\)](#). All documentation must be provided in writing and must be maintained in the agreement file.

AOs must revoke the AOR designation letter if the AOR does not certify in FAITAS and does not complete the required training and certification requirements within the period authorized by the exception.

2. Revocation of AOR Designation

Once initially certified in FAITAS, if the AOR has not completed the required 40 hours of continuous learning every two years, FAITAS will automatically notify the AOR of the expiry of the FAC-COR certification 90 days prior to the expiration. At that time, the AOR must complete the required training to be eligible to continue to maintain the FAC-COR certification and the specific AOR designation. If the FAC-COR certification expires, the AOR will be classified as an uncertified AOR and will no longer have the authority to perform the functions of an AOR.

If at any time during the period of an agreement the AOR's certification expires, the AOR is responsible for informing the AO and for working with the Operating Unit to nominate a replacement AOR. The AO must immediately revoke the AOR's designation, unless the AO has received the MDs/DAAs approval for a one-time, six month extension or the M/OAA Director's approval for a further six month extension.

If the AOR continues to perform AOR functions after expiry of the AOR's certification, even if the AO has not formally revoked the AOR's designation letter, it may result in unauthorized commitments as the AOR will be acting without authority.

Additionally, if the AOR fails to perform his or her duties and responsibilities or if the AOR exceeds his or her authority as specified in the designation letter, the AO may exercise this revocation authority. A specific example of a circumstance that might warrant revocation of an AOR designation would be an AOR's failure to adequately monitor the available funding on an agreement.

Revocation of the AOR delegation must be done in writing and must be communicated to the AOR, the recipient, the paying office, the alternate AOR, and other relevant parties who were on the initial distribution list of the AOR designation letter. Additionally, a unilateral modification must be executed in GLAAS to update and replace the AOR designation.

AO Tailoring of the Letters

AOs must use the standardized letter essentially as written; however, some of the specific guidance provided below clearly allows AOs to use discretion in tailoring these letters as long as they do not affect the substance of the standardized letter. For example, AOs may include special instructions to account for unusual characteristics of the agreement. Finally, the AO may edit the letter to reflect the AO's own experience, judgment, and preference—again, within the scope of the standardized letters. The examples listed in this paragraph are not all-inclusive, nor are AOs expected to make changes to the letter if they have no reason to do so. The AO must not change Section III, Limitations, in any of the letters.

Distribution of the Designation Letter

AOs must provide copies of the AOR-acknowledged and AO countersigned designation letter to the following:

- Recipient;
- Paying office;
- AOR;
- AOR's supervisor;
- Named alternate AOR (if applicable); and
- Alternate AOR's supervisor (if applicable).

Providing courtesy copies to any party other than those mentioned above is at the discretion of the AO.

Appendix A

Agreement Officer's Representative (AOR) Designation Letter – Agreement Administration

TO: [Individual Nominated by the Requiring Office]

FROM: [Insert name of AO], Agreement Officer (AO)

SUBJECT: Agreement Administration Authorities

DATE:

REF: Award Number [Insert Award #] with [Insert Recipient Name]

You have been nominated to be the designated representative to provide technical and administrative oversight of the above referenced assistance agreement. In this letter, I formally accept this nomination and designate you the Agreement Officer's Representative (AOR) for the agreement. As the AOR, you must work as part of a team with me or my successor Agreement Officer to ensure that USAID exercises prudent management over its assistance funds. This letter and the relevant sections of Automated Directives System (ADS) [ADS 308, Agreements with Public International Organizations](#), state the specific duties, authorities, and limitations that accompany this designation. Your familiarity with applicable USG-wide and USAID specific policies and procedures that affect your duties as an AOR is critical to carrying out your responsibilities successfully. You should maintain frequent liaison and direct communications with the recipient, but you must understand that the nature of the relationship is that of supporting their public purpose, not obtaining the recipient's technical assistance or services for USAID.

As an AOR, you may be held personally liable for unauthorized acts. In order to perform these functions, you must be AOR certified according to the requirements laid out in ADS 308.3.8. Failure to obtain AOR certification or maintain your certification will result in the expiry of your certification and the loss of your authority to function as an AOR. If your AOR certification expires, you must immediately notify the AO and contact the FAC Acquisition Career Manager in the Professional Development and Training Division or send an email to **FAC-CORInquirymailbox@usaid.gov** for consultation on next steps to regain your certification.

The AO will revoke your AOR delegation or with appropriate approvals may provide you written authority to continue your AOR functions for a limited time until you can receive your recertification. Failure to inform the AO of the expiry of your certification and continuing to perform the functions/duties of an AOR will result in you acting without authority and potentially making unauthorized commitments. You will be held accountable and required to accept responsibility for the unauthorized commitment and you must assist the AO in processing all documentation required to formalize the commitment.

Properly discharging your duties and responsibilities as an AOR minimizes your risk of facing disciplinary action. The areas in which you must be particularly cautious involve contracting authority and financial management because improper actions could indicate gross negligence. Examples may include exceeding your authority as an AOR and taking actions that are beyond your authority as delegated in this letter. If you have any questions in this area, contact the AO for advice before you take any action.

In Financial Management, your risk increases when you act in a manner that is other than what would be expected of a reasonable individual. At a minimum, a reasonable individual would:

- Take reasonable steps to assure that the recipient has submitted all required program and financial reports;
- Make logical decisions from the information they have available (even if it isn't complete); and
- Document and provide justification for the action. (The documentation need not be formal or extensive, but it should be easily understood by an auditor or other third party individual reviewing it.)

I. RESPONSIBILITIES

As AOR, your first responsibility is reading the entire agreement and thoroughly acquainting yourself with its purpose, terms, conditions, and the respective roles and responsibilities of the recipient, the AO, and the AOR. You should also periodically review the agreement to maintain familiarity with its terms and conditions.

AOR responsibilities include:

- a. Monitoring.** You must monitor the recipient's progress in achieving the objectives of the Program Description in the subject agreement and for verifying that the recipient's activities being funded by USAID under the referenced agreement conform to the terms and conditions of that agreement.
- b. Agreement Revisions.** You must make a written recommendation to the AO when any changes to the Program Description, technical provisions, and/or any other term or condition of the agreement are necessary and include a justification for the proposed action.
- c. Financial Management.** Although the responsibility for making payments and accounting for funds and balances rests in the Bureau for Management, Office of Financial Management (M/FM) or overseas Controller, you must administer financial management responsibilities by:
 - Ensuring that all funding actions comply with USAID's forward funding guidelines in [ADS 602, Forward Funding of Program Funds](#).

- Reviewing the recipient's request for payments or financial reports (including the submission of a report reflecting the financial breakdown by Operating Unit) and providing or denying your administrative approval if required by the policy and required procedures in [ADS Chapter 630, Payables Management](#).
- Monitoring the financial status of the agreement on a regular basis to ensure that the level of funding is the minimum necessary. If the funding exceeds forward funding guidelines without proper authorization, you must adjust the next incremental funding amount to achieve compliance with the forward funding guidelines. . Please note that you must accomplish this task using information on hand and must not interpret this requirement as authority to request any additional financial reports from the recipient.
- Reviewing and documenting the review (for example, signing and dating a copy of the financial report) of financial status reports for U.S. organizations with letters of credit and periodic advance payments to monitor financial progress. This includes:
 - a. Contacting the recipient for further explanation if questions arise regarding the appropriateness of expenditures,
 - b. Contacting the AO if not satisfied with the recipient's explanation, and
 - c. Ensuring that where multiple Operating Units are funding a single agreement, that the recipient submitted a breakdown of their financial reporting by funding Operating Unit.
- Notifying the AO if at any point it is apparent that the funds are no longer needed for the purposes for which they were obligated (see [ADS 621, Obligations](#) and [ADS 621maa, Deobligation Guidebook](#)).
- Upon completion of the work under the agreement, reviewing any unliquidated obligation balance in the agreement and working with the AO to manage such proceeds before beginning close-out actions.
- d. Reporting Allegations of Recipient Misconduct. You must notify **PLR** and USAID/OIG concurrently of any allegations or other information related to recipient waste, fraud, abuse, or other misconduct related to the agreement or that may have a significant impact on the recipient's performance.

II. ADMINISTRATION

Communications. ADS 308 contains the policy directives and required procedures for the administration of agreements. Agreement Officers are the mandatory control point of record for all official communication that

would constitute an amendment to the agreement; therefore, please ensure that you provide me, within two business days after you transmit it to the recipient, a copy of any communications between you and the recipient that may lead to an amendment to the agreement or that may affect the recipient's rights or responsibilities under this agreement. You are responsible for reviewing all performance and financial reports for adequacy and responsiveness and for requesting that I take the necessary action when these reports are not submitted, are inadequate, or indicate a problem.

AOR Files. As the AOR, you have an important responsibility for establishing and maintaining adequate AOR files. These files are your primary tools for carrying out your duties and responsibilities as the AOR for this agreement and provide documentation of your actions. Inadequate or inaccessible files will impede your or your successor AOR's ability to manage the agreement and therefore may jeopardize the program for which it was entered into. These files will also help successor AORs to understand your actions as AOR and the reasons behind such actions, as well as provide adequate files for audit purposes. You must ensure that the files contain the following:

- A copy of this AOR designation letter;
- A copy of the agreement and all of its amendments;
- A copy of all correspondence between the AOR and the recipient;
- The names of technical and administrative personnel assisting the AOR;
- A copy of records of AOR approvals, invoices, and other financial documents, initialed to demonstrate AOR review, as well as other administrative paperwork and correspondence;
- A copy of financial documentation to support their activities in the financial management area such as the SF-425 ([ADS 630, Payables Management](#));
- Budget pipeline analysis documentation; and
- Documentation of any other action taken by the AOR in accordance with this delegation.

The Agency Secure Image and Storage Tracking (ASIST) System is the Agency's official electronic repository for all PIO agreement documentation. AORs must maintain agreement administration files in ASIST. You must not use text messages for any official communications with the recipient.

III. LIMITATIONS

- a. Scope of Authority/Avoiding Unauthorized Commitments.** Your authority does not include making any changes in the Program Description, the terms and conditions of the agreement, or the total estimated budget. I must caution you that actions you take or directions you give beyond the authorities provided in this memorandum or in [ADS 308, Agreements with Public International Organizations](#), may create unauthorized commitments under the agreement. Any such unauthorized actions may lead to serious disputes and legal action that unnecessarily tie up Agency personnel and resources. You may be held personally liable for such actions, and in the worst case, you may be subject to disciplinary action if it is determined that the unauthorized commitment is a violation of the Anti-Deficiency Act, [31 USC Secs. 1341- 1351](#), which provides for criminal penalties.
- b. Re-delegation.** You may not re-delegate the authorities or responsibilities contained in this memorandum to any other person. When carrying out your AOR duties, you may ask others to assist you, but such assistance has limits. For example, you may ask others to conduct fact-finding or make recommendations regarding actions you may take as AOR. However, anyone assisting you must not take any action that directly affects the recipient's rights or ability to carry out the program for which the agreement was executed. The ultimate responsibility for any actions taken, by you or others assisting you, remains with you.
- c. Alternate AOR.** In your absence, and only in your absence, [Insert name of Alt.] is hereby authorized to act on your behalf. If this individual is not available to carry out your AOR responsibilities during your absence, notify the AO as soon as possible to discuss alternatives. To ensure minimal disruptions, please notify the recipient and the AO as soon as possible when you will be unavailable to discharge your AOR responsibilities for a period of more than two weeks. If the alternate is not available in your absence, direct the recipient to receive any guidance from the AO.
- d. Duration of AOR Designation.** This designation will remain in effect for the life of the agreement unless the AO rescinds it in writing or you resign this position. If you cannot fulfill your responsibilities as AOR for any reason (for example, transfer to another post), please notify the AO as soon as possible in order to ensure the timely designation of a successor.

IV. TRAINING

USAID has a COR/AOR Certification Program with formal classroom courses that complies with USAID internal policy and FAC – COR requirements. USAID [ADS 458](#) and [ADS 303](#) establishes the Agency's policy directives and required procedures for AOR certification. I have verified that you have completed the COR/AOR Certification Program, but please be advised that you must complete at least 40 hours of Continuous Learning Points (CLPs) every two years in order to maintain your certification.

V. STANDARDS OF CONDUCT AND CONFLICTS OF INTEREST

As an employee of the Federal Government, you must respect and adhere to the principles of ethical conduct set forth in Title 5 of the Code of Federal Regulations, Part 2635—Standards of Ethical Conduct for Employees of the Executive Branch, [5 CFR 2635](#). You must notify the AO immediately of any suspected fraud, bribery, conflict of interest, or improper conduct on the part of the recipient or any member of its staff.

As an AOR, you are responsible for protecting the U.S. Government's interests, while supporting its reputation for fair and equal dealings with all partners, including agreement recipients. Therefore, if you have any direct or indirect financial interests in violation of [18 USC 208](#) and/or [5 CFR 2635.401](#) and [5 CFR 2635.501](#) that may place you in a position where there is a conflict between your private interests and the public interest of the United States, you must immediately inform your supervisor, the Agreement Officer, and the Assistant General Counsel for Ethics Administration (GC/EA) of this conflict so that appropriate action may be taken. Note this information is only available on the USAID intranet.) As AOR, you must avoid the appearance of such conflict in order to preserve public confidence in the U.S. Government (USG) employee's conduct of business. Furthermore, you must be aware of the post-employment restrictions on former USG employees, including Personal Service Contractors, found in [18 USC 207](#) to detect possible violations.

ACKNOWLEDGEMENT

Your signature below confirms that you:

- 1) Accept this appointment;
- 2) Agree to comply with all duties, responsibilities, and limitations outlined in this letter, particularly those pertaining to conflicts of interest by agreeing to conduct business dealings in a completely impartial manner that avoids conflicts of interest; and
- 3) Meet all AOR eligibility requirements, are certified in FAITAS and have completed the COR/AOR certification program.

I HEREBY ACCEPT THIS APPOINTMENT AND ACKNOWLEDGE MY DUTIES
AND RESPONSIBILITIES:

AGREEMENT OFFICER'S
REPRESENTATIVE SIGNATURE

DATE

After signing, return this original memorandum to me within ___ days. Retain a copy for your records. I will acknowledge your acceptance of this designation by signing below and send a copy to you and the others indicated below.

AGREEMENT OFFICER'S SIGNATURE

DATE

cc:

**[Insert name of Alt.], Alternate AOR
[Insert Paying Office], Paying Office or Mission
Controller [], AOR's Supervisor
[Insert Recipient Name], Recipient**

**Alternate
Agreement Officer's Representative (AOR) Designation –
Agreement Administration**

TO: [Insert name of Alt.]

REF: Award Number [Insert Award #] with [Insert Recipient Name]

ACKNOWLEDGEMENT

Your signature below confirms that you:

- 1) Accept this appointment.
- 2) Agree to comply with all duties, responsibilities, and limitations outlined in this letter, particularly those pertaining to conflicts of interest, by agreeing to conduct business dealings in a completely impartial manner that avoids conflicts of interest.
- 3) Understand that you are only authorized to perform these duties in the absence of the AOR.
- 4) Meet all the AOR eligibility requirements, are certified in FAITAS, and have completed the COR/AOR Certification Program.

I HEREBY ACCEPT THIS APPOINTMENT AND ACKNOWLEDGE MY DUTIES AND RESPONSIBILITIES AS ALTERNATE AOR:

ALT. AGREEMENT OFFICER'S
REPRESENTATIVE

DATE

After signing, return this original memorandum to me within ___ days. Retain a copy for your records. I will acknowledge your acceptance of this designation by signing below and sending a copy to you and the others indicated below.

AGREEMENT OFFICER

DATE

cc:

[Insert Paying Office], Paying Office or Mission Controller [], Alternate AOR's supervisor