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## Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance

**AAPD No.18-03 Revision 3**

### Strengthening Prevention of Sexual Exploitation and Abuse in the Partner Community

Issued: **June 1, 2024**

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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. AAPDs may be used to implement new requirements on short notice, pending formal amendment of acquisition or assistance regulations. Each AAPD is effective as of the issuance date on its cover page unless otherwise noted elsewhere in the AAPD guidance; the directives remain in effect until the specified expiration date (if any), or M/OAA/Policy issues a rescission.

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This AAPD is:  New  Replaces: AAPD 18-03, Revision 2

Category:  Acquisition  Assistance  PSCs

This AAPD applies to:  Solicitations  New awards  Existing awards  
 Modification required

This AAPD precedes changes to:

FAR \_\_\_\_\_  AIDAR Part(s) 752.7013  CFR \_\_\_\_\_  
 ADS \_\_\_\_\_  Other \_\_\_\_\_  No change to regulations

Clause/Provision:  New Provision/Clause Provided Herein  Available in GLAAS

Contains a deviation?  No  Yes: # M-OAA-DEV-AIDAR-24-07c (no expiration date)

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Jami J. Rodgers, Director, M/OAA

## I. Purpose

AAPD 18-03, Revision 3 extends the original AAPD issued to inform Acquisition and Assistance staff of the deviated regulatory text for AIDAR 752.7013 (“Contractor-Mission Relations”) under a class deviation to strengthen the prevention of sexual exploitation and abuse in the partner community. This revised AAPD also updates information related to the USAID Office of Inspector General (OIG) Hotline portal for receiving complaints and disclosures.

AAPD 18-03 was originally issued on June 1, 2018 for a 2-year period, extended for a two-year period on June 1, 2020 (Revision 1), and extended for another 2-year period on June 1, 2022 (Revision 2). This Revision 3 again extends and renews the content of the original AAPD, with no changes to the deviated AIDAR clause.

The revised AAPD and the underlying class deviation (M-OAA-DEV-AIDAR-24-07c) is effective as of the issuance date on June 1, 2024 and continues in effect unless rescinded or until the AIDAR is formally revised through rulemaking, whichever occurs first.

## II. Required Actions

COs must include the revised clause at 752.7013 in all solicitations and resulting contracts involving performance overseas.

### Mandatory Reporting to the Office of Inspector General (OIG):

If the contractor informs the CO about a contractor employee’s misconduct per the revised clause at 752.7013, the CO must report the incident to the Office of Inspector General as specified in section 3 below.

## III. Additional Guidance

The clause at 752.7013 puts USAID contractors on notice that contractor employee conduct in the Cooperating Country must be fully commensurate with the responsibilities associated with the implementation of Foreign Assistance Programs. This means that all contractor employees must conduct themselves in a professional manner, which includes protecting beneficiaries from sexual abuse and exploitation by contractor staff. Since local norms of employee conduct may vary from country to country, to ensure consistency, the deviated regulatory text clarifies that USAID contractors must behave in a manner consistent with the following six (6) standards, published on October 9, 2003 by the United Nations Secretary-

General's Bulletin – Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13<sup>1</sup>):

- (a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
- (b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense;
- (c) Exchange of money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;
- (d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;
- (e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;
- (f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

Should the mission be notified of a contractor employee's misconduct per the revised clause at 752.7013, the Contracting Officer must immediately report the case to the OIG as follows:

Online: <https://oig.usaid.gov/report-fraud>

Email: [ig.hotline@usaid.gov](mailto:ig.hotline@usaid.gov)

Mail: U.S. Agency for International Development  
Office of Inspector General

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<sup>1</sup> <https://oios.un.org/resources/2015/01/ST-SGB-2003-13.pdf>

P.O. Box 657  
Washington, DC 20044-0657  
~~Telephone: 1-800-230-6539 or 202-712-1023~~  
~~Fax: 202-216-3801~~

#### IV. Background

On February 16, 2018, the USAID Administrator reaffirmed zero tolerance for sexual misconduct, abuse and fraud. On March 7, 2018 the Administrator established the Action Alliance for Preventing Sexual Misconduct (AAPSM) to among other things, strengthen protections for beneficiaries and help partners institute a culture of accountability to effectively root out alleged abusers within their organizations. As the first step in this process the AAPSM recommended revisions to existing AIDAR clause at 752.7013 “Contractor-Mission Relationship” and the mandatory standard provisions for Assistance awards entitled “Recipient and Employee Conduct” and “Regulations Governing Employees.”

#### V. Point of Contact

Contracting officers may direct their questions about this AAPD to the [Ask M/OAA Policy](#) Google Group.

#### VI. Attachments

##### **Attachment 1 – AIDAR Deviation Text**

Added or revised language is in **bold**

##### **AIDAR 752.7013 CONTRACTOR-MISSION RELATIONSHIPS.**

For use in all contracts **that involve** performance overseas. Note that paragraph (f) of this clause is applicable only in contracts with an educational institution.

##### **CONTRACTOR-MISSION RELATIONSHIPS (OCT 1989) [DEVIATION (JUNE 2018)]**

(Deviation No. **M-OAA-DEV-AIDAR-24-07c**)

(a) The Contractor acknowledges that this contract is an important part of the United States Foreign Assistance Program and agrees that its operations and those of its employees in the Cooperating Country will be carried out in such a manner as to be fully commensurate with the responsibility which this entails. **This responsibility includes the Contractor ensuring that employees act in a manner consistent with**

**the standards for United Nations (UN) employees in Section 3 of the UN Secretary-General's Bulletin - Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13).**

(b) The Mission Director is the chief representative of USAID in the Cooperating Country. In this capacity, **the Mission Director** is responsible for both the total USAID program in the cooperating country including certain administrative responsibilities set forth in this contract, and for advising USAID regarding the performance of the work under the contract and its effect on the United States Foreign Assistance Program. Although the Contractor will be responsible for all professional, technical, and administrative details of the work called for by the contract, it **must** be under the guidance of the Mission Director in matters relating to foreign policy. The Chief of Party **must** keep the Mission Director currently informed of the progress of the work under the contract.

(c) **If the Contractor determines that** the conduct of any employee is not in accordance with the preceding paragraphs, the Contractor's Chief of Party **must** consult with the **USAID contracting officer and the Mission Director** and the employee involved and **must** recommend to the Contractor a course of action with regard to such employee.

(d) The parties recognize the rights of the U.S. Ambassador to direct the removal from a country of any U.S. citizen or the discharge from this contract of any **individual (U.S., third-country, or cooperating-country national)** when, at the discretion of the Ambassador, the interests of the United States so require. Under these circumstances termination of an employee and replacement by an acceptable substitute **must** be at no cost to USAID.

(e) If it is determined, **under paragraphs (c) and (d) above**, that the services of such employee **must** be terminated, the Contractor **must** use its best efforts to cause the return of such employee to the United States or **third country** point of origin as appropriate.

[The following paragraph (f) is applicable if the contract is with an educational institution:]

(f) It is understood by the parties that the Contractor's responsibilities **must** not be restrictive of academic freedom. Notwithstanding these academic freedoms, the Contractor's employees, while in the Cooperating Country, are expected to show respect for its conventions, customs, and institutions, to abide by applicable laws and regulations, and not to interfere in its internal political affairs.

(End of clause)

**CLEARANCE PAGE**

*AAPD 18-03, Revision 3, Strengthening Prevention of Sexual Exploitation and Abuse*

**Drafter:** M/OAA/P: Victorious Olale

**Approved:** M/OAA/P: Lyudmila Bond

**Clearances:**

<u>Name</u>	<u>Clearance Status</u>	<u>Date</u>
M/OAA/OD, Deborah Broderick:	<u>INFO</u>	<u>5/30/24</u>
M/OAA/OD, Chitahka Floore:	<u>Cleared</u>	<u>5/30/24</u>
M/OAA/OD, Nadeem Shah:	<u>INFO</u>	<u>5/30/24</u>
GC/A&A, Gregory Marchand:	<u>Cleared</u>	<u>5/29/24</u>