



Guidelines for Expanded Assistance Authority for Mission Directors

An Internal Mandatory Reference for
ADS Chapter 303

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This document provides guidance on: 1) how Mission Directors can obtain warrant authority to sign grants or cooperative agreements to indigenous organizations in amounts not to exceed \$5,000,000 (or local equivalent), as amended; 2) what information is required in the warrant request; and, 3) where the warrant request should be submitted.

Level of Warrant

All U.S. citizen direct hire principal USAID officers at post (summarized hereafter as "Mission Directors") have authority to sign grants and cooperative agreements up to \$100,000, as amended, by virtue of their position. This authority may be exercised by a USDH individual serving as principal officer on an "acting" basis, but may not be redelegated. If a Mission Director wishes to accept the responsibilities and meets the qualifying criteria below, a warrant may be issued for up to \$5,000,000 to sign assistance instruments with indigenous organizations. The warrant will be limited to use in the country of assignment. If the Mission Director is transferred to a new post, a new warrant may be issued for that post, depending on the availability of local staff and Regional Contracting Officer support. The warrant is issued individually to the Mission Director, and may not be delegated to or exercised by anyone else.

Requirements for Obtaining the \$5,000,000 Assistance Warrant

The following steps must be completed before a warrant request is submitted:

- a. The Mission Director must successfully complete the two-day course entitled "Acquisition and Assistance for Senior Managers." This course is a one-time requirement and covers issues from the Mission Director's perspective of managing mission operations relating to the acquisition and assistance process, rather than performing the actual work itself. The course covers topics such as:
 - what are the competitive requirements,
 - how are the differences between a grant and a cooperative agreement reflected in the document,
 - when a grant is presented for signature-what should it look like, what documentation should be part of the file, and what are common pitfalls,
 - what remedies are available when performance problems occur,
 - when there is an audit of an indigenous PVO, what is the agreement officer's responsibility with respect to questioned or disallowed costs, what is done with indirect cost rates, etc.,
 - when are modifications necessary or appropriate.
- b. An acquisition specialist designated by the Regional Contracting Officer, at the post where the Mission Director is serving, will be responsible for preparing the assistance documentation and actual award documents to be signed by the

Mission Director. The acquisition specialist must have successfully completed the Assistance Management course.

- c. The Regional Contracting Officer must confirm in a written formal statement that the acquisition specialist has successfully completed the Assistance Management course and has sufficient on-the-job experience to successfully select the recipient, negotiate, and administer the grant or cooperative agreements.

Legal Effect of a Warrant

In accepting a warrant, the individual assumes full responsibility for all actions which he/she signs. In practice, since a warrant holder must make the personal decision of what clearances to seek from which other advisers (the exercise of the warrant not being conditioned on particular clearances), the warrant holder is usually quite closely and personally involved, if not responsible for, the drafting and negotiation of the document as well as its execution. While someone else may do the background work, the individual who signs an acquisition or assistance instrument indicates by their signature, that the selection process was fair, the costs are reasonable, the file is documented completely, the action is properly reported to M/OAA, and all appropriate regulations and procedures were followed. Similarly, that individual is responsible for resolving all performance or payment issues, settling claims, and other administrative issues, as well as close-out. This is distinct from the practice surrounding the exercise of delegated authority for the execution of bilateral strategic objective or project agreements. In these latter cases of international executive agreements, the exercise of the delegation is often quite closely conditioned on the involvement, participation, and clearance of other officers--the execution of the document being a comparatively more ministerial act with usually less personal involvement on the part of the signing officer.

The reason for these distinctions is principally because the instruments covered by warrants (Federal contracts, grants, and cooperative agreements) are governed by far more stringent legal and regulatory requirements than international executive agreements subject to domestic law (even if awarded to indigenous organizations) and adjudicated by domestic tribunals (the General Accounting Office, the Office of Management and Budget, American courts, boards of appeal, etc.).

What Information Should be Included in the Warrant Request

The warrant request should be prepared by the Regional Contracting Officer and must include the following information:

- a. Full name of the Mission Director who will be responsible for signing the actions and copies of their Acquisition and Assistance for Senior Managers course certificate for both "day one" and "day two" of the course. The name of the USAID Mission where the Mission Director is currently posted.
- b. Name of the acquisition specialist in the Mission who will be preparing and administering the assistance instruments and a copy of their Assistance Management course certificate.
- c. The Regional Contracting Officer's written formal recommendation that the acquisition specialist has successfully completed the Assistance Management course and has the on-the-job experience to successfully select the recipient, negotiate, and administer the grant or cooperative agreement.

Where to Submit the Warrant Request

The warrant request should be submitted to the Office of Acquisition and Assistance, Evaluation Division Chief in Washington, D.C.

Accountability

As part of its overall procurement system evaluation responsibilities, the Office of Acquisition and Assistance will conduct reviews of the individual assistance files for the actions executed by the Mission Director as they do for BS-93 Agreement Officers.

The purpose of these reviews is to monitor compliance with applicable rules and regulations and good business practice. If the required documentation is found to be lacking, or where there are serious issues related to the exercise of the warrant, the Assistance Executive may, in his/her discretion, reduce or revoke the Warrant.

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