

SUMMARY OF PROCUREMENT AND AWARDS OF ASSISTANCE PROVISIONS

This summary is intended to provide an overview for the convenience of the reader. To the extent that there is a conflict or inconsistency between these summarized provisions and the Compact, the actual provisions of the Compact shall prevail. Please consult the Compact for the full text of the relevant provisions. Any capitalized terms used but not defined herein shall have the meaning given to them in the Compact.

- I. **Procurement Guidelines**.¹ The procurement of all goods, services and works by the Government or any Provider in furtherance of the Compact shall be consistent with Procurement Guidelines reflected in the Procurement Agreement between the Government and MCC. The Procurement Guidelines include requirements to ensure that: (i) internationally accepted procurement rules with open, fair and competitive procedures are used, (ii) solicitations are based on clear and accurate descriptions of the goods, services, or works to be acquired, (iii) contracts are only awarded to qualified and capable contractors, and (iv) no more than a commercially reasonable price is paid to procure goods, services and works.
- II. **Records**.² The Government shall maintain and ensure that the Providers maintain records regarding the receipt and use of goods, services and works acquired in furtherance of the Compact, the nature and extent of solicitations of prospective suppliers, and the basis of award of contracts, grants and other agreements in furtherance of the Compact.
- III. **Public Availability**.³ Information regarding procurement, grant and other agreement actions funded directly or indirectly by MCC Funding shall be made publicly available in a manner outlined in the Procurement Guidelines or as otherwise agreed.
- IV. **Pre-Entry into Force Procurement**.⁴ The Government shall ensure that no goods, services, or works funded by MCC Funding are procured pursuant to contracts entered into prior to Entry into Force, except as otherwise agreed.
- V. **Compliance**.⁵ The Government shall ensure that the MCA entity and any other Permitted Designee follows, and ensures that all Providers follow, the Procurement Guidelines in procuring goods, services and works, and in awarding contracts in furtherance of the Compact, and shall provide MCC with evidence of the adoption of the

¹ See **Section 3.6(a)** in each of the Benin, Cape Verde, Georgia, Honduras, Nicaragua, and Vanuatu Compacts; **Section 3.6(b)** in Madagascar.

² See **Section 3.6(b)** in each of the Benin, Cape Verde, Georgia, Honduras, Nicaragua, and Vanuatu Compacts; **Section 3.6(c)** in Madagascar.

³ See **Section 3.6(c)** in each of the Benin, Cape Verde, Georgia, Honduras, Nicaragua, and Vanuatu Compacts; **Section 3.6(d)** in Madagascar.

⁴ See **Section 3.6(d)** in each of the Benin, Cape Verde, Georgia, Honduras, Nicaragua, and Vanuatu Compacts; **Section 3.6(e)** in Madagascar.

⁵ See **Section 3.6(e)** in each of the Benin, Cape Verde, Georgia, Madagascar, Nicaragua, and Vanuatu Compacts; **Section 3.6(f)** in Honduras; **Sections 3.6(a) and (b)** in Madagascar.

Procurement Guidelines by the MCA entity by the time specified in the Disbursement Agreement.

- VI. **Flow-Through**.⁶ The Government shall ensure the inclusion of the requirements described above in all Supplemental Agreements between the Government, any Government Affiliate or Permitted Designee or any of their respective directors, officers, employees, Affiliates, contractors, sub-contractors, grantees, sub-grantees, representatives or agents, on the one hand, and a Provider, on the other hand.

⁶ See **Section 3.6(f)** in each of the Benin, Cape Verde, Georgia, Madagascar, Nicaragua, and Vanuatu Compacts; **Section 3.6(g)** in Honduras.