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Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance Issued: JUNE 23, 2006

AAPD 06-09

AIDAR, APPENDIX J: ORDER OF PREFERENCE FOR HIRING COOPERATING COUNTRY NATIONALS (CCNs) AND THIRD COUNTRY NATIONALS (TCNs)

Subject Category: PERSONAL SERVICES CONTRACTS
Type: Policy

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. Also, AAPDs may be used to implement new requirements on short-notice, pending formal amendment of acquisition or assistance regulations.

AAPDs are EFFECTIVE AS OF THE ISSUED DATE unless otherwise noted in the guidance below; the directives remain in effect until this office issues a notice of cancellation.

This AAPD: Is New Replaces CIB 94-8

Applicable to:

Existing awards; Modification required

- No later than
- As noted in guidance below
- RFPs/RFAs issued on or after the effective date of this AAPD; all other Pending Awards, i.e., 8(a), sole source, IQC
- Other or N/A

Precedes change to:

- USAID Automated Directives System (ADS) Chapter
- Code of Federal Regulations
- Other
- No change to regulations

(signature on file)
Michael F. Walsh

PURPOSE: The purpose of this AAPD is to re-issue information from Contract Information Bulletin (CIB) 94-8, which was inadvertently dropped from the listing of current Contract Information Bulletins (CIBs) several years ago. The policy and procedures apply to AIDAR, Appendix J.

BACKGROUND: This AAPD re-states USAID's policy for hiring Cooperating Country Nationals (CCNs) and Third Country Nationals (TCNs) as Personal Services Contractors (PSCs).

GUIDANCE: A TCN is an individual (a) who is neither a citizen or a permanent legal resident alien of the United States, nor of the cooperating country to which the individual may be contracted for duty; and (b) who is brought into the cooperating country at US Government expense for purposes of the contract, and who is eligible for return to his/her home country or country of recruitment at U.S. Government expense (often referred to as repatriation). Also, the individual is required to return to his/her home country or country of recruitment within (30) days after termination or completion of the contract or forfeit all rights to the repatriation.

A CCN, also often referred to as a Foreign Service National (FSN), is an individual who is a cooperating country (Host Country) citizen, or a non-cooperating country citizen lawfully admitted for permanent residence in the cooperating country. It may also be an individual who has left his/her native country to live on the economy of the cooperating country. For example, an individual from Great Britain, residing legally in Uganda, responds to a solicitation for a local hire CCNPSC at the USAID Mission. This individual is considered a CCN and shall be compensated according to the local compensation plan unless the Mission Director determines otherwise in writing (see paragraph 4(c) (2) of the AIDAR, Appendix J). While the individual may be from another country, the distinction is that the individual is not entitled to the same benefits package as an offshore hire would receive and has not been brought into the cooperating country for purposes of the contract, and thus a repatriation agreement should not be authorized.

The Agency's policy regarding the hiring of CCNs and TCNs is as follows:

1. The use of PSC contractors from the Cooperating Country is preferred over the use of TCNs, because it integrates the foreign assistance effort into the community, enhances the skills of the Cooperating Country's population, and contributes to the local economy.
2. Third Country Nationals should only be used when: (a) qualified persons are not available in the Cooperating Country; (b) limitation of time or other conditions prevent the training of persons in the Cooperating Country for the work; or (c) the requiring office concludes that achieving program efficiency and policy objectives requires using Third Country Nationals as a substitute for available persons from the Cooperating Country. TCN positions should always be temporary in nature.
3. This guidance was previously included in ADS 495.5.3

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