

Millennium Challenge Corporation  
Program Procurement Guidance

# Guidance on Business Language

August 2007



## MCC Guidance on Business Language

This paper provides guidance to the MCA Entity<sup>1</sup> on preparing documents<sup>2</sup> in compliance with the language provisions of the MCC Program Procurement Guidelines<sup>3</sup>:

### Official Language

The MCC Program Procurement Guidelines establish English as the official operating language of MCC-funded procurements.

### Advertising Documents

Advertisements for procurement opportunities (General Procurement Notices and Specific Procurement Notices), notices of contract awards and notices of cancellation of procurements for goods, works, consultant and non-consultant services, when posted at the MCA Entity's website, *dgMarket*, or *UNDB Online* shall be posted in English. However, advertisements for procurements valued at less than 50,000USD may be published in English and/or the official local language of the country of the MCA Entity (if other than English). Moreover, General Procurement Notices must be published in the local language of the country of the MCA Entity in at least one newspaper of wide circulation in the country.<sup>4</sup>

### Solicitation, Procurement and Contract Documents

For procurements and contracts for goods, works, consultant and non-consultant services valued at or above 100,000USD, solicitation documents, proposals, bids and other documents submitted in response to the solicitation documents, and contracts, must be prepared in English. At the discretion of the MCA Entity, solicitation documents may also be prepared in the official local language of the country of the MCA Entity. However, for contracts at or above 100,000USD, English is the language that will govern contractual relations between the MCA Entity and the contractor, supplier or consultant. In no case is a contractor, supplier or consultant permitted to sign a contract in two languages.

For procurements and contracts for goods, works, consultant and non-consultant services valued below 100,000USD, solicitation documents, proposals, bids and other documents submitted in response to the solicitation

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<sup>1</sup> The MCA Entity is the entity designated by the government of the country receiving assistance from the Millennium Challenge Account as responsible for the oversight and management of implementation of the Compact on behalf of the government.

<sup>2</sup> Including Procurement Plans, Expressions of Interest, Specifications (including charts and tables), Terms of Reference, Requests for Proposals, Invitations for Bids, Proposal Submissions, Contracts, Implementing Entity Agreements and Procurement Performance Reports.

<sup>3</sup> The Millennium Challenge Corporation ("MCC") provides funding to foreign governments under the authority of Section 605 of the Millennium Challenge Act of 2003 (the "MCA") (each a "Compact") or under Section 609(g) of the MCA (each a "609g Grant Agreement"). The MCC Program Procurement Guidelines are set out in supplemental agreements between the MCC and foreign governments and apply to MCC-funded contracts between the MCA Entity and contractors, suppliers and consultants. Contracts entered into directly by MCC are governed by the Federal Acquisition Regulations, not the MCC Program Procurement Guidelines.

<sup>4</sup> MCC Program Procurement Guidelines Part I, Section 1.A, Paragraph 2.7; Section 1.B, Paragraph 2.5.1.

tion documents, and contracts, may be in English and/or the local language of the country of the MCA Entity.<sup>5</sup> Provided, however, that no contractor, supplier or consultant may sign a contract in two languages.

### **Procurement Records and Reports**

Any document which is subject to MCC approval according to MCC Program Procurement Guidelines *Attachment 1* Approval Requirements, and any reports required under MCC Program Procurement Guidelines Part 2, must be in English.

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<sup>5</sup> The responsibility for cost and quality of translation of documents into optional additional languages rests solely with the MCA Entity.