

Millennium Challenge Corporation  
Program Procurement Guidance

# Guidance on Requesting Waivers of the MCC Program Procurement Guidelines

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## MCC Guidance on Requesting Waivers of the MCC Program Procurement Guidelines

This paper provides guidance to the MCA Entity<sup>1</sup> on requesting waivers of specific provisions of the MCC Program Procurement Guidelines<sup>2</sup> from MCC.

### Function and Purpose

On a case by case basis, MCC may grant waivers of certain provisions of the MCC Program Procurement Guidelines<sup>3</sup> as applicable to a particular procurement. Such waiver shall be in writing and shall be effective only to the extent specifically set forth in such writing. Waivers do not effect permanent change to the MCC Program Procurement Guidelines, but rather, function as a one-time exception necessary to support a specific procurement. For example, a waiver may, if justified, be appropriate to permit a shorter solicitation period or to increase the dollar value threshold for using a procurement method if justified.

### Initiation and Approval

Waivers are initiated in-country by the MCA Entity. All waivers require formal MCC approval prior to implementation.

### Required Content

Waiver requests must include a description of the anticipated impact the waiver would have on the MCA Entity's procurement activities. It must contain sufficient detail to explain the basis of the request, the procedure(s) to be waived, and any recommended alternative action. The waiver request must also detail why granting such a waiver is in the interest of the country's Compact program, and why it would be detrimental to the Compact program if the waiver were denied.

### Denial and Review

Waiver requests may be denied if the MCA Entity's interests in requesting the waiver do not outweigh the interests of proceeding under the MCC Program Procurement Guidelines as they stand.

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1 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.

2 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.

3 MCC Program Procurement Guidelines Part 7.

# Sample Waiver Request Form

<b>Waiver Request Form</b>	
<b>Guidelines Provision</b>	<b>Waiver Request</b>
<i>MCC Program Procurement Guidelines Provision Part, Section and Paragraph Numbers</i>	<i>Description of the provision of the MCC Program Procurement Guidelines that is being requested to be waived.</i>
<b>Justification</b>	
1) <i>Justification for waiving the MCC Program Procurement Guidelines provision(s).</i>	