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# Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance Issued: December 16, 2008

## AAPD 07-01 Amendment 1

### Procurement of Anti-Retrovirals (ARVs) for HIV/AIDS Programs

Subject Category: Acquisition Management/Assistance/Population, Health, and Nutrition  
Type: PROCEDURE

[Click here to view AAPD 07-01 issued February 9, 2007](#)

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/  Amends CIB/AAPD No: 07-01

Applicable to:

- Existing awards;  Modification required
- No later than
  - As directed in the AAPD Guidance section
- RFPs 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:

- AIDAR Part(s), Appendix
- USAID Automated Directives System (ADS) Chapter
- Code of Federal Regulations
- Other
- No change to regulations

New Provision/Clause Provided Herein

/S/

Maureen A. Shauket

**I. PURPOSE:**

The purpose of this amendment 01 to AAPD 07-01 is to inform USAID's acquisition and assistance workforce and its contractor and recipient community working in HIV/AIDS programs that the approvals for USAID-approved ARVs as set forth under the AAPD are extended. Accordingly, funding for the procurement of USAID-approved ARVs must be obligated by December 31, 2013 (See the updated Guidance Section below: Para E).

This amendment makes no other changes to the policy or procedures set forth under the AAPD.

**II. BACKGROUND:**

USAID-Approved ARVs. On April 29, 2005, then-Administrator Natsios approved a "Blanket ARV Waiver" of source, origin, and nationality requirements for the procurement of ARVs of innovator companies manufactured in specific non-U.S. sites. (An innovator company is the brand-name company that has U.S. patent protection for an ARV. This patent protection gives the company the sole right to sell the drug for a certain period of time in the United States.)

The Action Memorandum approved by Administrator Natsios provided in AAPD 07-01 contains the procedure for AA/GH approval of additional ARVs. AA/GH has delegated that approval authority to GH/OHA.

On February 14, 2008, USAID Administrator Henrietta H. Fore approved the Action Memo "Expedited Acquisition and Assistance Procedures for USAID's Activities and Programs Related to the Prevention, Care, and Treatment of Treatment of HIV/AIDS (the "HIV/AIDS Expedited Procedures"). The Action Memo extends approvals for the waiver of source, origin, and nationality requirements and for specific categories of restricted commodities under HIV/AIDS activities. In addition, the Action Memo extends the source, origin, and nationality waiver for the USAID-approved ARVs so that the expiration date is commensurate with the rest of the Expedited Procedures package approvals. The expiration date of the approval authorities in the "HIV/AIDS Expedited Procedures" Action Memo is December, 31, 2013. A copy of the Action Memo is attached.

**III. GUIDANCE:**

1. Paragraph E of the AAPD is revised to read as follows:

E. Expiration of Authority for USAID-Approved ARVs. Funding for the procurement of USAID-approved ARVs on the List must be obligated prior to December 31, 2013, the expiration date of the "HIV/AIDS Expedited Procedures". There is no expiration date for the procurement of FDA-approved ARVs.

2. This amendment makes no other changes to the policy or procedures set forth under the AAPD.

**IV. POINT OF CONTACT:** Any questions concerning this AAPD may be directed to Carl Hawkins, GH/OHA/SCMS, chawkins@usaid.gov, 202-712-4539.

**ATTACHMENTS:**

Action Memorandum, "Expedited Acquisition and Assistance Procedures for USAID's Activities and Programs Related to the Prevention, Care, and Treatment of Treatment of HIV/AIDS (the "HIV/AIDS Expedited Procedures").