



Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance Issued: June 29, 2004

AAPD 04-08

Ensuring Equal Opportunity for Faith-Based and Community Organizations

Subject Category: Assistance
Type: Procedure

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: _____

Precedes change to: AIDAR Part(s) _____ Appendix _____
 USAID Automated Directives System (ADS) Chapters 303
 Code of Federal Regulations _____
 Other _____
 No change to regulations

Applicable to: Existing awards; Modification required:
 Effective immediately
 No later than _____
 As noted in guidance below
 RFAs issued on or after the effective date of this AAPD;
 Other or N/A Amend all open RFAs _____

New Form Provided Herein: Yes; Scheduled update to Prodoc: June 2004
 No

TIMOTHY T. BEANS

1. **PURPOSE**: The purpose of this AAPD is to implement requirements of Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations. This AAPD:

- provides guidance on ensuring equal opportunity for faith-based and community organizations in USAID financial assistance (grant) programs
- requires the inclusion of the Survey on Ensuring Equal Opportunity for Applicants in all Requests for Applications (RFAs), and packages for unsolicited applications

2. **BACKGROUND**:

Executive Order 13279 of December 12, 2002, Equal Protection of the Laws for Faith-Based and Community Organizations, provides that, in formulating and implementing policies that have implications for faith-based and community organizations, agencies that administer social service programs supported with Federal financial assistance shall ensure equal protection and opportunity for faith-based and other community organizations. To the extent permitted by law, USAID shall be guided by the following fundamental principles:

- (1) Federal financial assistance for social service programs must be distributed in the most effective and efficient manner possible;
- (2) All eligible organizations, including faith-based and other community organizations, must be able to compete on an equal footing for Federal financial assistance used to support social service programs;
- (3) No organization may be discriminated against on the basis of religious character or affiliation in the administration or distribution of Federal financial assistance;
- (4) Faith-based organizations may not be required as a condition of Federal assistance to sacrifice their independence, autonomy, expression, or religious character. Accordingly, a faith-based organization that applies for or participates in a USAID program may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use direct federal financial assistance to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use their facilities to provide social services supported by USAID, without removing or altering religious art, icons, scriptures, or other symbols from these facilities. In addition, a faith-based organization may retain religious terms in its name, select its board members on a religious basis, and include religious references in its mission statements and other chartering or governing documents.

The Executive Order also requires select Federal agencies, including USAID, to collect data regarding the participation of faith-based and community organizations in social service programs that receive Federal financial assistance. The attached Survey on Ensuring Equal Opportunity for Applicants has been approved by OMB for this purpose.

The vast majority of participation from faith-based and community organizations (FBCOs) in USAID programs is in the area of assistance (grants and cooperative agreements), where we provide support to the recipient to support a public purpose, rather than require that the recipient provide services to USAID. The guidance provide here, therefore, focuses on assistance instruments. Please note, however, that the requirement for equal opportunity applies to contracts as well, and FBCOs may not be discriminated against in acquisition programs.

3. GUIDANCE:

A. SURVEY ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

Requirement for Inclusion: All USAID RFA's must include, or be amended to include, the attached *Survey on Ensuring Equal Opportunity for Applicants* as an attachment to the RFA package. Applicants under unsolicited applications are also to be provided the survey.

Voluntary Completion/Submission: While inclusion of the survey by Agreement Officers in RFA packages is *required*, the applicant's completion of the survey is *voluntary*, and must not be a requirement of the RFA. The absence of a completed survey in an application may not be a basis upon which the application is determined incomplete or non-responsive. Applicants who volunteer to complete and submit the survey under a competitive or non-competitive action are instructed within the text of the survey to submit it as part of the application process.

Use of Survey Data & Processing/Disposition: The information collected through the survey is intended for data collection purposes only.

- ProDoc/Data Entry: The agency's contract writing system (ProDoc) is being modified to collect data from the completed surveys related to Faith-Based and Community Organizations. When processing an award, ProDoc will require answers to the following questions:
 1. How many applications were received under the RFA?
 2. How many applicants identified themselves as faith-based/religious organizations (FBOs)?
 3. Has the recipient proposed for this award indicated it is a FBO?

Agreement Officers are to rely on the information provided in completed surveys to complete these ProDoc data elements.

- Survey Distribution: As a part of the award distribution process, and after entering the required data into ProDoc, the Agreement Officer must forward each completed survey to the following address:

Center for Faith-Based and Community Initiatives
A/AID, Rm. 3.9-023
U.S. Agency for International Development
Washington, D.C. 20523

B. CLARIFICATION REGARDING PROPER IMPLEMENTATION AND USE OF DATA

1. The Executive Order calls for equal opportunity for faith-based and community organizations. It does not provide for set-asides or evaluation preferences for faith-based and community organizations, and data collected is not to be used for purposes of funding decisions. Therefore, the Agreement Officer must not:
 - provide for set-asides, reservations or evaluation preferences for faith based/community organizations in RFAs.
 - include participation of faith-based/community organizations as a specific evaluation factor and/or requirement for award. It may, however, be referred to as an example of one of the many types of organizations whose participation could potentially enhance the quality and impact of development assistance programs.
 - provide completed surveys to the technical evaluation committee for evaluation with technical portion of the applications.

4. POINT OF CONTACT:

Please direct any questions to Raquel Powell, M/OP/P, Phone: (202) 712-0778, e-mail: rpowell@usaid.gov.

Survey on Ensuring Equal Opportunity for Applicants

OMB No. 1890-0014 Exp. 1/31/2006

Purpose: The Federal government is committed to ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. In order for us to better understand the population of applicants for Federal funds, we are asking nonprofit private organizations (not including private universities) to fill out this survey.

Upon receipt, the survey will be separated from the application. Information provided on the survey will not be considered in any way in making funding decisions and will not be included in the Federal grants database. While your help in this data collection process is greatly appreciated, completion of this survey is voluntary.

Instructions for Submitting the Survey: If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.

Applicant's (Organization) Name: _____

Applicant's DUNS Number: _____

Grant Name: _____ **CFDA Number:** _____

1. Does the applicant have 501(c)(3) status?

Yes No

2. How many full-time equivalent employees does the applicant have? (*Check only one box.*)

3 or Fewer 15-50
 4-5 51-100
 6-14 over 100

3. What is the size of the applicant's annual budget?

(*Check only one box.*)

Less Than \$150,000
 \$150,000 - \$299,999
 \$300,000 - \$499,999
 \$500,000 - \$999,999
 \$1,000,000 - \$4,999,999
 \$5,000,000 or more

4. Is the applicant a faith-based/religious organization?

Yes No

5. Is the applicant a non-religious community-based organization?

Yes No

6. Is the applicant an intermediary that will manage the grant on behalf of other organizations?

Yes No

7. Has the applicant ever received a government grant or contract (Federal, State, or local)?

Yes No

8. Is the applicant a local affiliate of a national organization?

Yes No

Survey Instructions on Ensuring Equal Opportunity for Applicants

Provide the applicant's (organization) name and DUNS number and the grant name and CFDA number.

1. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.
2. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.
3. Annual budget means the amount of money your organization spends each year on all of its activities.
4. Self-identify.
5. An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.
6. An "intermediary" is an organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.
7. Self-explanatory.
8. Self-explanatory.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0014. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 2202-4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to the USAID Agreement Officer.

OMB No. 1890-0014 Exp. 1/31/2006

Paperwork Burden Statement

CLEARANCES

AAPD: Ensuring Equal Opportunity for Faith Based and Community Initiatives

OAA/POL, R. Powell	_____	Date: _____
OAA/OD, L. Kopala	_____	Date: _____
OAA/OD, T. Beans	_____	Date: _____

