



Guidance for Use of the Authorities under Expedited Procedures Packages (EPPs)

A Mandatory Reference for
ADS Chapters 302, 303, and 309

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I. Background

- a. The Agency may issue Expedited Acquisition and Assistance Procedures Action Memoranda (also referred to as Expedited Procedures Packages or EPPs) for specific programs or activities. Contracting Officers/Agreement Officers (COs/AOs) must follow the policy and procedures in [ADS 302, USAID Direct Contracting](#), [ADS 303, Grants and Cooperative Agreements to Non-Governmental Organizations](#), and [ADS 309, Personal Services Contracts with Individuals](#) when using the authorities in an EPP.

This mandatory reference supplements the policy and procedures in those chapters.

Agency EPP action memos typically provide:

- A Determination & Findings (D&F) authorizing the use of other than full and open competitive procedures when issuing or modifying contract awards;
- A blanket determination for restricting eligibility for new assistance awards or amendments to awards; and
- A source and nationality waiver.

Guidance related to use of the EPP for any source nationality waiver authority is provided within each EPP Action memo. COs/AOs and Operating Units should contact the cognizant General Counsel (GC)/Resident Legal Officer (RLO) for further guidance on use of the waiver.

- b. In addition to the general guidance specified below, policy and procedures specific to certain EPPs are also provided:

Attachment 1 - Additional Requirements for Expedited Procedures Package (EPP) for Programs Managed by the U.S. Agency for International Development (USAID) for the Prevention, Care, and Treatment of HIV/AIDS under the President's Emergency Plan for AIDS Relief (PEPFAR) (also referred to as Expedited Procedures Package or EPP for HIV/AIDS); and

Attachment 2 - Additional Requirements for Expedited Procedures Package (EPP) for Responding to Outbreaks of Contagious Infectious Diseases.

II. Policy and Procedures

a. General

The following policy and procedures apply when using the authority of an EPP:

- 1) Each EPP is approved for a specified period of time. Awards, modifications, and amendments relying on the EPP exception to competition are authorized if the Justification and Approvals (J&A) or assistance determination is approved in writing before the expiration date specified in the EPP. **COs/AOs should contact GC or the Mission RLO regarding any extensions to an EPP.**
- 2) The Planner/COR/AOR is responsible for identifying the specific activities and awards to which the authorities within the EPP may apply. It is strongly recommended that the technical office coordinate with the cognizant CO/AO and General Counsel (GC)/Resident Legal Officer (RLO) as far in advance as possible to discuss how they intend to use the authorities, applications, and requirements for a specific Acquisition & Assistance (A&A) action.
- 3) The EPP authorities do not replace or remove any clearance/approval requirements in [ADS 300, Agency Acquisition and Assistance \(A&A\) Planning](#), such as the Senior Obligation Alignment Review (SOAR).
- 4) When an EPP is approved at the Administrator level, awards made using the authority of the EPP are not subject to the Administrator Clearance requirement for follow-on awards and modifications/amendments ([ADS 302/ADS 303](#)).
- 5) The preference is for maximum competition unless it would compromise the Agency's objectives; in such case, the EPP authorities may be relied upon even in instances where another exception to full and open competition is available.

b. Acquisition

When using D&F authority approved as part of an EPP, COs must follow the EPP policy and procedures in [ADS 302](#) and as further discussed below.

As stated in [ADS 302](#), the Operating Unit (OU) must prepare and certify a J&A for each non-competitive award relying on a D&F approved as part of an EPP. OUs and COs may use the non-mandatory [J&A template for D&Fs issued under EPPs](#) or any EPP-specific sample J&A templates provided in the attachments. Per AIDAR part 706, CO certification (FAR part 6.303-2(a)(12)) and approvals (FAR part 6.304) are not required. Also, review/clearance by the Evaluation Division or the Agency Competition Advocate (ACA) is not required. The J&A requires the clearance of the RLO or GC/A&A.

COs must submit a copy of each J&A to the justificationsanda@usaid.gov mailbox as well as the specific EPP mailbox specified in the sections below.

In accordance with [ADS 302](#), COs must make the J&As publicly available on the government-wide Point of Entry (beta.SAM.gov formerly FBO.gov). Careful screening of J&As is required to identify information that must be redacted; see [ADS 302.3.4.5](#) for specific guidance.

c. Personal Services Contracts (PSCs)

The authority of the EPP may be used to limit competition in the award or modification of PSCs; however, proposals must be requested from as many potential offerors as is practicable under the circumstances. COs must comply with the above documentation and posting requirements as described above for contracts.

d. Assistance

When using the authority of the Blanket Determination for Restricting Eligibility in the award or amendment of Assistance Instruments, AOs must follow the policy and procedures in [ADS 303](#) and as further discussed below.

Prior to submitting a request to the AO to issue or amend an assistance award, the Planner/AOR must document the applicability of this blanket justification in accordance with required procedures in [ADS 303](#). Review/clearance of the documentation by the Evaluation Division or ACA is not required. The AO must verify that the Planner/AOR has provided written documentation supporting use of the blanket justification in accordance with any procedures required by [ADS 303](#).

Per [ADS 303](#), the AO must place both the Planner/AOR's determination and the AO verification in the ASIST award file.

Attachment 1

Additional Requirements for the Expedited Procedures Package or EPP for HIV/AIDS

The Expedited Procedures Package (EPP) for Programs Managed by the U.S. Agency for International Development (USAID) for the Prevention, Care, and Treatment of HIV/AIDS under the President's Emergency Plan for AIDS Relief (PEPFAR) (also referred to as Expedited Procedures Package or EPP for HIV/AIDS) was signed by the Administrator on December 31, 2019 and extends the authorities of the previous EPP which expired December 31, 2019.

The authorities within the HIV/AIDS EPP and D&F will expire on December 31, 2024, at 11:59 p.m. EST, and cannot be used after that date unless the authorities are extended by the Administrator.

The action memo provides a:

- Determination & Findings (D&F) authorizing the use of other than full and open competitive procedures when issuing or modifying HIV contract awards (the D&F is provided in [ADS 302mbo1](#)); and
- Blanket determination for restricting eligibility in the award or amendment of assistance instruments.

Limitations

- 1) The authorities under the EPP apply to HIV/AIDS activities implemented under contracts, grants, and cooperative agreements funded from any account, including Global Health Programs. The authorities do not apply to tuberculosis, malaria, or any other health area activities.
- 2) The D&F and blanket authorization in the EPP may only be used when the funding for the HIV/AIDS activities exceeds 50 percent of the total estimated cost/amount of the award.

In addition to the procedures in [ADS 302](#), COs must forward a copy of all J&As using the EPP D&F authority to the HIV EPP mailbox (HIVEPP@usaid.gov) for tracking purposes. Similarly, AORs must also comply with procedures in [ADS 303](#) and forward a copy of the documentation to the HIV EPP mailbox (HIVEPP@usaid.gov) for tracking purposes.

Attachment 2

Additional Requirements for the Expedited Procedures Package (EPP) for Responding to Outbreaks of Contagious Infectious Diseases (Outbreak)

The EPP for Responding to Outbreaks of Contagious Infectious Diseases (Outbreak), as defined below, was signed on March 24, 2020, by the USAID Administrator. The authorities within the EPP, including the D&F, will expire on March 23, 2025, at 11:59 p.m. EST, and cannot be used after that date unless the authorities are extended by the Administrator.

a. The action memo provides:

- Determination & Findings (D&F) authorizing the use of other than full and open competitive procedures (pursuant to [AIDAR 706.302-70\(b\)\(3\)\(ii\)](#)) when issuing or modifying contract awards to respond to an Outbreak (the D&F is available [here](#));
- Blanket determination for restricting eligibility for new assistance awards or amendments to awards to include activities to respond to an Outbreak; and
- Source and nationality waiver relating to activities to respond to an Outbreak.

b. As outlined in the EPP, an “Outbreak of a Contagious Infectious Disease,” or “Outbreak” is defined as meeting any of the circumstances below:

- 1) The Director-General of the WHO declares an infectious-disease outbreak to be a Public Health Emergency of International Concern (PHEIC);
- 2) The Administrator makes funds available from the Emergency Reserve Fund for Contagious Infectious-Disease Outbreaks (ERF) to address a declared PHEIC or another outbreak of a dangerous infectious disease;
- 3) The United Nations Interagency Standing Committee declares an infectious-disease outbreak to have potential humanitarian consequences, or to constitute a humanitarian crisis; or
- 4) The Assistant Administrator for Global Health (AA/GH) determines that an infectious-disease outbreak is of such significance that an immediate response from USAID is warranted. In making such a determination, the AA/GH must document his or her determination and the factors on which he or she based it and provide an Information Memorandum to the Administrator.

The COVID-19 outbreak falls within the definition of an Outbreak--specifically one that has been declared to be a Public Health Emergency of International Concern (PHEIC); Operating Units may rely on this EPP for COVID-19 response activities.

- c. The authorities provided by this EPP:
- Allow Operating Units to respond to an Outbreak in a multisectoral way, including through programs outside of the health sector, such as in education and economic growth; and
 - Cover activities financed from all sources of the Agency's budget, including prior-year funding, as well as current and future Fiscal Year appropriations, unless Congress has enacted special rules for them.
- d. The EPP encourages Operating Units to engage with new and underutilized partners as defined in the Agency's Acquisition and Assistance Strategy; private-sector partners as defined in the Agency's Private-Sector Engagement Policy; and community- and faith-based partners that could scale their operations to prevent or respond to an Outbreak of a Contagious Infectious Disease. This includes partners that are operational in the host country whether or not they are current USAID awardees.
- e. COs may use the non-mandatory [J&A Template for D&Fs issued under EPPs](#) when issuing J&As based on the authority of the D&F; alternately, a [sample EPP J&A template for COVID-19](#) is also available. In addition to the procedures in [ADS 302](#), the CO must submit a copy of each J&A to the justificationsanda@usaid.gov mailbox as well as the Outbreak EPP mailbox (Outbreak_EPP@usaid.gov). For assistance, the AOR must follow procedures in [ADS 303](#) and forward a copy of the documentation to the EPP Outbreak mailbox (Outbreak_EPP@usaid.gov) for tracking purposes.

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